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POLLUTION OF THE INTERSTATE WATERS OF THE GRAND CALUMET RIVER, LITTLE CALUMET RIVER, CALUMET RIVER, WOLF LAKE, LAKE MICHIGAN AND THEIR TRIBUTARIES, ILLINOIS-INDIANA. PROCEEDINGS OF CONFERENCE, SESSION(2ND) HELD AT CHICAGO, ILLINOIS, ON JANUARY 29, 1969. VOLUME 2

Federal Water Pollution Control Administration
Washington, D. C.

29 January 1969

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SECOND SESSION OF
CONFERENCE
IN THE
MATTER OF POLLUTION OF THE INTERSTATE WATERS OF THE GRAND CALUMET RIVER, LITTLE CALUMET RIVER, CALUMET RIVER, WOLF LAKE, LAKE MICHIGAN AND THEIR TRIBUTARIES

held in

Chicago, Illinois

January 29, 1969

TRANSCRIPT OF PROCEEDINGS

VOLUME II

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Second Session in the Matter of Pollution of the Interstate Waters of the Grand Calumet River, Little Calumet River, Calumet River, Wolf Lake, Lake Michigan and their Tributaries, held at the Crystal Room, Sherman House, Chicago, Illinois, on January 29, 1969, at 9:30 a.m.

PRESIDING:

Murray Stein
Assistant Commissioner for
Enforcement, Federal Water
Pollution Control Administration
Department of the Interior

CONFEREES:

H. W. Poston
Regional Director, Federal
Water Pollution Control Administration
Department of the Interior
Chicago, Illinois

John E. Egan
President, The Metropolitan
Sanitary District of Greater
Chicago, Chicago, Illinois

Blucher A. Poole
Technical Secretary, Indiana
Stream Pollution Control Board
Indianapolis, Indiana

Clarence W. Klassen
Technical Secretary, Illinois
Sanitary Water Board
Springfield, Illinois

AIDES TO ABOVE:

Vinton W. Bacon
General Superintendent
The Metropolitan Sanitary District
of Greater Chicago, Chicago, Illinois

Dr. C. S. Boruff*
Illinois Sanitary Water Board
Chicago, Illinois

Perry E. Miller
Assistant Director, Division
of Sanitary Engineering
Indiana State Board of Health
Indianapolis, Indiana

Douglas B. Morton
Chief, Bureau of Stream Pollution
Control, Illinois Department of
Public Health, Springfield, Illinois

* Industrial member, Sanitary Water Commission

PARTICIPANTS:

Herbert J. Dunsmore
Assistant to Administrative
Vice President of Engineering
United States Steel
Pittsburg, Pennsylvania

Dr. Jerome E. Stein
Metropolitan Sanitary District
of Greater Chicago
Chicago, Illinois

Carlysle Pemberton, Jr.
Director of Technical Programs
Federal Water Pollution Control
Administration, Chicago, Illinois

Henry L. Pitts
Republic Steel Corporation
Chicago, Illinois

L. F. Birkel
Supervisor of Water Management
Republic Steel Corporation
Chicago, Illinois

THOSE IN ATTENDANCE:

QMC V. K. Abel
Captain of the Port
U. S. Coast Guard
Chicago, Illinois

F. K. Armour
Vice President - Engineering
Interlake Steel Corporation
Chicago, Illinois

Thomas Atchison
Chief - Mechanics Branch
U. S. Army Post Engineers
Fort Sheridan, Illinois

THOSE IN ATTENDANCE (Continued):

Mrs. C. S. Barrett
League of Women Voters of Chicago
Chicago, Illinois

Carl V. Blomgren
Director, Office of Technical Support
Missouri Basin Region, Federal Water
Pollution Control Administration
Kansas City, Missouri

Ruth Boline
Community News Service
Chicago, Illinois

Robert J. Bowden
Sanitary Engineer
Lake Michigan Basin Office
Federal Water Pollution Control
Administration, Chicago, Illinois

John R. Brough
Director - Air & Water Control
Inland Steel Company
East Chicago, Indiana

D. O. Burnett
Industrial Chemical Division
Chicago, Illinois

Ensign Martin P. Clark
U. S. Coast Guard
Ninth Coast Guard District
Chicago, Illinois

Richard G. Delbke
Engineer, Kaiser Engineers, Inc.
Chicago, Illinois

George Danchi
Sanitary Engineer, Army Corps
of Engineers, Chicago, Illinois

THOSE IN ATTENDANCE (Continued):

Mrs. Fay Donovan
Reporter, The Post-Tribune
Gary, Indiana

Julius H. Grubman
Principal Attorney, Metropolitan
Sanitary District of Greater Chicago
Chicago, Illinois

Michael A. Hanson
U. S. Steel Corporation
Gary Sheet & Tin Works
Gary, Indiana

Edward Hausknecht
Wisconsin Steel Works
International Harvester Company
Chicago, Illinois

Fred Herzog
Professor of Law, Chicago
Kent College of Law
Chicago, Illinois

Leslie H. Howard
Sales Engineer
Tenco Hydro/Aerosciences
Chicago, Illinois

James W. Jardine
Commissioner - Water & Sewers
City of Chicago
Chicago, Illinois

Earl Knight
Industrial Waste Coordinator
Metropolitan Sanitary District
of Greater Chicago
Chicago, Illinois

Fred G. Krikau
Manager, Environmental Control
Interlake Steel Corporation
Chicago, Illinois

John Kinney
Consultant
Republic Steel Corporation
Chicago, Illinois

THOSE IN ATTENDANCE (Continued):

Allen S. Lavin
Attorney, Metropolitan Sanitary
District of Greater Chicago
Chicago, Illinois

Benn J. Leland
Engineer-In-Charge
Illinois Sanitary Water Board
Chicago, Illinois

Jerry Mallek
News Editor
McGraw-Hill Magazine
Chicago, Illinois

Thomas K. Nedved
Research Engineer
IIT Research Institute
Chicago, Illinois

Richard S. Nelle
Sanitary Engineer
Illinois Sanitary Water Board
Springfield, Illinois

Richard J. Nelson
Assistant Vice President
Inland Steel Company
Chicago, Illinois

Richard A. Pavia
Assistant Commissioner
Water & Sewers, Department
of Water & Sewers
Chicago, Illinois

Frank J. Pokorny
Pollution Control Chemist
Cities Service Oil Company
East Chicago, Indiana

William P. Porcelli
Attorney, Interlake Steel Corporation
Chicago, Illinois

THOSE IN ATTENDANCE (Continued):

John M. Rademacher
Regional Director, Missouri
Basin Region, Federal Water
Pollution Control Administration
Kansas City, Missouri

Clifford Risley, Jr.
Director, Lake Michigan Basin
Office, Federal Water Pollution
Control Administration
Chicago, Illinois

Philip Rothenberg
Senior Assistant Attorney
Metropolitan Sanitary District
of Greater Chicago
Chicago, Illinois

Leroy E. Scarce
Chief, Laboratory Services
Branch, Lake Michigan Basin
Office, Federal Water Pollution
Control Administration
Chicago, Illinois

Robert E. Scheible
Chief Sanitary Engineer
Headquarters 5th U. S. Army
Fort Sheridan, Illinois

Roger G. Seaman
Assistant to President
Metropolitan Sanitary District
of Greater Chicago
Chicago, Illinois

A. G. Slingo (Commandant)
Sanitary Engineer
Department of the Navy
Great Lakes, Illinois

THOSE IN ATTENDANCE (Continued):

Ralph T. Snider
Chief Hydraulics Branch
Corps of Engineers N.C.D.
Chicago, Illinois

A. W. Tuemler
Assistant to Works Chief
Engineer, U. S. Steel Corporation
Chicago, Illinois

James C. Vaughn
Engineer of Water Purification
Department of Water & Sewers
Chicago, Illinois

- - -

PROCEEDINGS

OPENING STATEMENT

BY

MR. MURRAY STEIN

MR. STEIN: The Conference is open.

This is a continuation of a Conference on the Pollution of the Interstate Waters of the Grand Calumet River, Little Calumet River, Calumet River, Wolf Lake, Lake Michigan and their Tributaries.

I have used a sentence like that or similar to that in the opening of every session of this Conference we have had. I want to call particular attention to what the Conference covers and what the Conferees, at least, consider to be the jurisdiction of the Conference, and this has been called by the Secretary of the Interior.

Again let me repeat: Pollution of the Interstate Waters of the Grand Calumet River, Little Calumet River, Calumet River, Wolf Lake, Lake Michigan and their Tributaries.

Opening Statement - Mr. Stein

Very briefly, as you know, we have had a considerable abatement program in this area resulting from these Conferences. I think the various issues have been explored. We have achieved about as much activity and as much progress as has been attained in any pollution situation. The necessity for the repeated meetings I think is due to the complexity of the situation, and every repeated Conference we have shows considerable progress in getting methods of the pollution cleaned up. More and more industries and municipalities have their works in operation or are very close to getting their works in operation. I think the record is one of continuing progress.

We are going to take up two measures here. One is the inspection reports and the disposition of various industries in the area which may or may not have complied with the December 30, 1968, deadline which was set by the Conference in 1965. And the other was the issue, and this may be an overriding issue in the future, as to what kind of results are we getting from the treatment program which has been instituted. There was a report last time that we are still possibly having 1965 water in 1968 even though all the work has been done, and we established a Technical Committee last time to look into this problem.

I think as the first item I would like to call on Mr. Poston and ask him to designate someone to let us have this Technical Committee report.

Mr. Poston.

STATEMENT OF H. W. POSTON, CONFEREE AND REGIONAL DIRECTOR, GREAT LAKES REGION FEDERAL WATER POLLUTION CONTROL ADMINISTRATION DEPARTMENT OF THE INTERIOR, CHICAGO, ILLINOIS

MR. POSTON: Thank you, Mr. Stein.

I have given to you and to each of the Conferees a copy of the letter which I have written to you, and I might read this. And it is directed to you, Mr. Murray Stein, Chairman of the Conference on Pollution of the Lower Lake Michigan, Calumet River, Grand Calumet River, Little Calumet River and Wolf Lake, Illinois and Indiana.

"January 28, 1969

Dear Mr. Stein:

In accordance with your suggestion, made at the Executive Session of the Conference, December 12, 1968, I have organized a Technical Committee for the purpose of determining whether the pollution abatement program recommended by the Conferees is achieving the desired results in improved quality of the waters of the Conference area, and if not, what further actions are needed.

The membership of the Technical Committee is:

H. W. Poston, Chairman, FWPCA

Oral Hert, Indiana Stream Pollution Control Board

Richard S. Nelle, Illinois Sanitary Water Board

Dr. Jerome Stein, Metropolitan Sanitary District of Greater Chicago

The Committee met on January 23, 1969, and agreed upon a recommended program which is contained in the attached minutes of the meeting.

It is requested that the Conferees review the recommendations and provide further direction to the committee.

Sincerely yours,

/s/ H. W. Poston

H. W. Poston.

MR. STEIN: Mr. Poston, may I just interrupt at this minute for a procedural matter?

I know we all know who the Conferees are, because we are old friends and have been here many times, but for the purpose of the record the record should show that at the beginning.

The Conferees are Mr. Clarence Klassen of Illinois, accompanied by Dr. Clare Boruff; Mr. John Egan of the Chicago Sanitary District; Mr. Blucher Poole of Indiana, accompanied by Mr. Perry Miller; Mr. H. W. Poston, Regional Director of the Federal Water Pollution Control Administration. And my name is Murray Stein, from the United States Department of the Interior.

MR. KLASSEN: Mr. Stein, could the record show that Dr. Boruff is the industrial member of our Sanitary Water Commission?

MR. STEIN: Yes, the record will so show. Continue, Mr. Poston.

MR. POSTON: I might read the report of the Technical Committee. I think it is important in this transmittal letter that the Committee is formed for the purpose of making recommendations to the Conferees, and they do not have authority to do other than the

H. W. Poston

assignments as directed by the Conferees.

These are the minutes of the first Technical Committee meeting, the minutes of the first meeting of January 23, 1969.

TECHNICAL COMMITTEE

Conference on Pollution of Lower Lake Michigan,
Calumet River, Grand Calumet River, Little Calumet
River and Wolf Lake, Illinois and Indiana

Minutes of First Meeting - January 23, 1969

In response to a letter from H. W. Poston, dated January 10, 1969, to the other Conferees, a Technical Committee was organized for the purpose of assessing the results of the Conference pollution abatement program, and held its first meeting at the Great Lakes Regional Office, Federal Water Pollution Control Administration, January 23, 1969. The Committee members present were:

H. W. Poston, Chairman - FWPCA

Oral Hert - Indiana Stream Pollution Control Board

Richard S. Nelle - Illinois Sanitary Water Board

Dr. Jerome Stein - Metropolitan Sanitary District of Greater Chicago

H. W. Poston

Others attending were:

P. Rothenberg - Metropolitan Sanitary District of Greater Chicago

B. J. Leland - Illinois Sanitary Water Board

Charles Sandor - Indiana Stream Pollution Control Board

R. J. Schneider - FWPCA

R. J. Bowden - FWPCA

C. Pemberton, Jr. - FWPCA

C. Risley - FWPCA

F. E. Hall - FWPCA

After a discussion of the committee objectives, the members agreed upon the following recommendations to the Conferees:

1. The Committee will evaluate the current water quality and quantity monitoring program and determine any sampling and control points necessary.

2. The Committee will study and evaluate current effluent quality and quantity of all industries and municipalities. If adequate data are not available, the Committee will recommend a program of effluent monitoring.

3. The Committee will determine effluent

qualities required to meet current water quality criteria.

4. The Committee will review current water quality criteria and control points and submit appropriate recommendations to the Conferees.

5. Since the above process will take some time, the Committee will meet initially at one month intervals and will report to the Conferees at six month intervals, and will include an evaluation of the stream and effluent information available.

6. The Committee at its next meeting will establish a time schedule for completion of its responsibilities.

7. The Committee should be authorized to arrange, through the appropriate regulatory agency, visits to industries or municipal waste treatment plants as considered necessary.

The next meeting will be held at 9:00 AM, February 7, 1969, at the Great Lakes Regional Office, FWPCA.

MR. POSTON: It was emphasized in this meeting that time is of the essence and that there is no intent on the part of this Committee to extend and delay actions for abatement.

MR. STEIN: Are there any comments or questions?

I have two, Mr. Poston. On that six-month business getting before the Board, I think we may have to have one pretty soon after your next meeting if you are going to need some staff and money. And if this is no problem, and the Technical Committee can arrange that among themselves, this is fine. But if we are going to have to come up with a commitment from the States and the Sanitary District and the Federal Government of putting in money and staff, perhaps the Committee should see if it can come up with this budget and staffing operation and responsibility so we will be able to get the job done.

Other than that, I have no question. And this may be able to be decided without a meeting, certainly not a meeting of this kind. But we very well may have to get in touch with some of the Conferees here before we come up with assignments and give the people commitments.

MR. POSTON: That would be satisfactory with me.

MR. STEIN: This should be done after your next meeting on February 7th. Could I ask, can we expect, at least for the first go-round, the staffing and budget requirements and equipment requirements and proposals as to who is going to supply that after your February 7th meeting so we can get started? Otherwise, I don't know, you may be just meeting.

MR. POSTON: I think this could be done after the February 7th meeting. There were discussions at the meeting on the 23rd around what material should be brought to this second meeting by the various members so that this would facilitate progress.

MR. STEIN: I understand that, but I am just speaking from the experience I think that we have all had. If we are going to have this committee do its work, evidently you are going to need more than just going to meetings. Someone is going to have to go out and gather some data, analyze the data, possibly make some sampling. This is going to take time, it is going to take money, it is going to take people and it is going to take equipment. We have all the Conferees who are interested in this. If we are going to get the work done, we are going to just have to decide who is going to do what, who is going to supply what, and who is going to be responsible for it. The sooner we get that going, the sooner we are going to complete the work.

May we expect that after the first meeting?

MR. POSTON: I would say you can have a report on the budget, the personnel and the responsibilities of the committee after their February 7th meeting.

MR. STEIN: All right.

Are there any further comments on this or is there anything to add on the Technical Committee?

If not, I take it that we are in substantial agreement with the activity of the Technical Committee so far, and we will be looking forward to the next phase where we will see if we can agree with the specific program and arrange for the resources to carry it out.

That will complete that portion.

Now, as recommended at the last meeting, we set up a joint inspection group to look at several plants. It is proposed that the Chairman call the names of the plants. We will go down the list of the plants, get a report on each one,indicating, one, whether they are in compliance or not in compliance with the schedule, secondly the reasons for their being in compliance or not in compliance, thirdly whether there has been a request for an extension in any case, and fourth, the results of the inspection team's observations and evaluations.

When we complete all these and get the full picture on these plants, we will then go over the list and the Conferees will make a determination on what to do with each individual case dependent upon the picture of all these evaluations.

I think before we start this Mr. Poston would like to make a little preliminary statement on this inspection tour.

MR. POSTON: I would like to ask Mr. Pemberton of my staff to give a little introductory statement as to how these inspection trips were organized and the procedures gone through prior to these inspections.

Mr. Pemberton.

STATEMENT OF CARLYSLE PEMBERTON, JR.
DIRECTOR OF TECHNICAL PROGRAMS, GREAT LAKES
GREAT LAKES REGION, FWPCA, DEPARTMENT OF
THE INTERIOR, CHICAGO, ILLINOIS

MR. PEMBERTON: Mr. Chairman, Conferees. I am Carlysle Pemberton of Mr. Poston's office, Director of Technical Programs, and I have a short report on the background preceding the inspections.

The Conferees in Executive Session on December 12, 1968, agreed to make inspection visits to industries in the enforcement conference area to evaluate progress of construction of waste treatment facilities approved by the regulatory agencies in relationship to the time schedule established by the Secretary of the Interior in the summary of the technical session of January 4-5, 1966.

It was further agreed that the Federal Conferee would provide coordination for these visits. Consequently, Mr. Poston and his staff, in consultation with the other Conferees, developed a proposed list of industries to be visited, together with a list of information to be requested. These suggested lists were transmitted to the other Conferees by letter from Mr. Poston of December 31, 1968. No comments were received from the Conferees regarding additions or deletions from the lists.

Through further consultation with the Conferees, it was determined that the inspections should be made during the two-week period of January 6th to 16th. Arrangements for the visits to Indiana industries were made by the Indiana Stream Pollution Control Board. Since all the industries in Illinois are located within the Metropolitan Sanitary District, all industries on the list are located within the Metropolitan Sanitary District, arrangements for those visits were made by MSD. When firm arrangements were complete, it was found necessary to make the last visit on January 20th. The schedule was:

January 6th, Ford Motor Company.

January 7th, Youngstown Sheet and Tube, Indiana.

Ford Motor Company is in Illinois.

8th, Inland Steel Company, Indiana.

10th, Wisconsin Steel Company, Illinois.

C. Pemberton, Jr.

13th, U. S. Steel Sheet and Tin Works, Indiana.

14th, U. S. Steel Gary Works, Indiana

15th, U. S. Steel South Works, Illinois

16th, Allied Chemical Corporation, in Illinois.

17th, Interlake Steel Corporation, Illinois.

And 20th, Republic Steel Corporation, Illinois.

I have also attached a list of the information requested at each visit. I will not read that list.

A meeting of the inspection team was held in the FWPCA Regional Office on the morning of January 6th, prior to the first visit, for developing ground rules for these visits. It was recognized that each Conferee would expect a report from his representative on these visits, and it was also recognized that the data obtained in response to the listed questions should be reported identically to all Conferees. Therefore, FWPCA agreed to compile this data in fact sheets and distribute it to the Conferees prior to the meeting. The fact sheets were compiled and mailed to the Conferees on Friday last, January 24th.

I have attached also a listing of all

persons who made one or more visits. These are representatives of the four Conferees.

Thank you.

MR. STEIN: Do you want those in the record, Mr. Pemberton?

MR. PEMBERTON: I think it should be in the record, yes, and I have copies.

MR. STEIN: Without objection, that will be entered into the record as if read.

(Which said report is as follows:)

Conference on Pollution of Lower Lake Michigan,
Calumet River, Grand Calumet River, Little
Calumet River and Wolf Lake, Illinois and Indiana

Report on Industrial Plant Inspections

The Conferees, in Executive Session on December 12, 1968, agreed to make inspection visits to industries in the enforcement conference area to evaluate progress of construction of waste treatment facilities approved by the regulatory agencies, in relation to the schedule established by the Secretary of the Interior in the summary of the Technical Session held January 4-5, 1966.

It was further agreed that the Federal Conferee would be responsible for coordination of the visits. Consequently, Mr. Poston and his staff, in consultation with the other Conferees, developed a proposed list of industries to be visited, together with a listing of information to be requested. These suggested lists were transmitted to the other Conferees by letter from Mr. Poston, dated December 31, 1968. No comments were received from the Conferees proposing additions to or deletions from the lists.

Through further consultation with the Conferees, it was determined that the visits should be made during the two-week period January 6-16. Arrangements for visits to the Indiana industries were made by the Indiana Stream Pollution Control Board. As all of the Illinois industries are located within the Metropolitan Sanitary District of Greater Chicago, visits to those industries were arranged by the Sanitary District. When final arrangements were complete, it was necessary to make the last visit on January 20. The schedule of visits was:

January 1969	Industry
6	Ford Motor Company, Illinois
7	Youngstown Sheet and Tube, Indiana

C. Pemberton, Jr.

January 1969	Industry
8	Inland Steel Company, Indiana
10	Wisconsin Steel Company, Illinois
13	U. S. Steel Sheet and Tin Works, Indiana
14	U. S. Steel Gary Works, Indiana
15	U. S. Steel South Works, Illinois
16	Allied Chemical Corporation, Illinois
17	Interlake Steel Corporation, Illinois
20	Republic Steel Corporation, Illinois

The list of information requested at each visit is attached.

A meeting of the inspection team was held at the FWPCA Regional Office on the morning of January 6, to develop ground rules for the visits. It was recognized that each Conferee would expect a report from his representative on the team, and also that it was imperative that the factual data obtained in accordance with Mr. Poston's letter of December 31, be reported identically to all Conferees. Therefore, FWPCA volunteered to prepare fact sheets containing this information, and to distribute them to all Conferees prior to this meeting. The fact sheets were mailed to the Conferees on Friday, January 24.

The persons listed below participated in one or more visits representing the Conferees:

Illinois

R. S. Nelle

B. J. Leland

Indiana

P. E. Miller

O. H. Hert

C. Sandor

Metropolitan Sanitary District

J. E. Egan

R. Seamon

J. E. Stein

P. Rothenburg

E. Knight

Federal Water Pollution Control Administration

H. W. Poston

M. Stein

T. Rajda

C. Pemberton, Jr.

W. J. Hunt

R. W. Ryling

E. Pinkstaff

R. J. Bowden

L. A. Van Den Burg

T. Powers

J. M. Fairall

B. Sachs

S. Pardieck

Information needed for each plant to be inspected:

1. Waste treatment facilities and schedules approved by the appropriate water pollution control agency for construction.

2. Locations of all waste discharges to: (1) surface waters, (2) ground and (3) municipal sewer systems.

3. For each waste discharge:

    (a) quantity and quality (constituents) of flow

    (b) Industrial processes served

    (c) in-plant controls such as by-product recovery, process modification, etc.

C. Pemberton, Jr.

(d) treatment provided or planned

4. For each treatment facility:

(a) status of construction with reference to: (1) enforcement conference schedule and (2) schedule approved by water pollution control agency

(b) is treatment under construction or planned in excess of that required by the appropriate water pollution control agency to meet enforcement conference recommendations?

(c) flow diagram showing treatment processes

(d) design data on treatment plant operation (what constituents and how much of each is the plant designed to remove?)

(e) experience data on treatment plant operation, if operational (is the plant doing the job it was designed to do?)

5. Itemize any production units that have been placed in operation since March 1965 for which there are presently no treatment facilities in operation.

6. Quantity of water used at each plant and source(s) of water.

It would be very helpful if much of the information requested in 2 and 3 above could be shown on schematic flow diagrams showing waterborne wastes.

MR. STEIN: The reports on the industry visits, marked Exhibit I, and made a part of the record, will be on file in the Regional Office, Chicago, and Hq., FWPCA. Now, may we go down the list.

By the way, Mr. Pemberton, when we finish this list--and there are,oh,some 12 different plants, maybe with the subdivisions that you have--I would like a brief report, possibly, on the status of the other industries here and how they stand, because I think we have to be sure that we don't have any slipping through the cracks that we have to look at. Would you be thinking about that?

MR. PEMBERTON: All right.

MR. STEIN: One, Chicago Assembly Plant, Ford Motor Company. Who can report on that?

MR. POSTON: Can you give us a brief report on the Ford Motor Company?

MR. PEMBERTON: Yes.

MR. POSTON: I think this should be supplemented by any comments that the Conferees care to make as a result of their individual representatives visiting the particular plant.

MR. PEMBERTON: Ford Motor Company plant

is an automobile assembly plant, uses about a million gallons of water a day, which it takes from the city of Chicago, discharges all sanitary and process wastes to the Metropolitan Sanitary District sewerage system, discharges cooling water and the storm drainage to Calumet River.

Ford has completed all waste treatment facilities approved by the Metropolitan Sanitary District and has asked for a three-month extension of time to get some of these facilities into full operation.

MR. STEIN: What date did you make that inspection? I think it would be helpful for the record if we had the dates on all these when you were there.

MR. PEMBERTON: The statement that I passed out to you has a list of the dates. January 6th.

MR. STEIN: What?

MR. PEMBERTON: January 6th.

MR. STEIN: All right.

I think it would be helpful, Mr. Pemberton, if you indicated the date the inspection team was at each one, for the record.

MR. PEMBERTON: Yes, sir.

MR. STEIN: Is that the situation at the

plant? Let me try to zero this in a little more.

That was the one and only inspection at which I was present at the plant with the teams, because this was the first one they had and we were working up the methodology. As far as I can see, the issue was this.

At the Chicago Assembly Plant of the Ford Motor Company, and I am not sure this has come out, that is, the plant had complied with all the requirements of the Sanitary District and was confident that they had done everything to meet the December 30, 1968, deadline. During November the Sanitary District, by helicopter inspection, saw some discharges coming from the plant. This was called to the plant's attention. On investigation they found that they were coming from old sewers under the plant and possibly some intrusion, which needed going down under the plant and correcting them. They didn't have notice of this before that November date when the inspection was made.

They immediately got to work on this and in order to comply they needed an extra three months because it wasn't possible for them to comply with something that was just called to their attention several weeks before the date that we originally set for full compliance. I think this is rather typical in the pollution control business--that once you clear up the gross sources of pollution you find that various of these specific sources have been masked by the gross sources and once they are cleaned up they become apparent.

As soon as this was called to Ford's attention, they proceeded and they came up with a plan to correct it. Now, it was on that basis they asked for the extension.

Is that substantially right?

MR. PEMBERTON: Yes.

MR. STEIN: All right. But again let me suggest that when we go through these various operations, it might be helpful to give the story and the reason why they are asking the extension.

Does the inspection team have a recommendation on whether this should be extended or not?

MR. PEMBERTON: The inspection team as a group did not make recommendations to the Conferees as a group. Each Conferee's representative made his own recommendations to that Conferee.

MR. STEIN: All right.

C. Pemberton, Jr.

May we go to Youngstown Sheet and Tube Company?

MR. PEMBERTON: Youngstown uses about 415 million gallons a day from Lake Michigan for process and cooling water, takes water for sanitary facilities from East Chicago, discharges sanitary wastes to East Chicago, and ammonia still wastes to East Chicago, and process and cooling water to the Indiana Harbor Canal.

They have completed at least seven facilities for treating wastes or recovering oil since March 1965 and have yet to complete some four treatment facilities for which they have asked extensions of time from the December 31, 1968, deadline. They have built some new facilities during this time which have been equipped with waste treatment plants at the time of construction. The treatment plants yet to be built are serving older portions of the mill.

MR. STEIN: Mr. Pemberton, again let me ask you this. Why haven't they met the time and why are they asking for the extension? Could we do it a little bit in the way I outlined on the Ford plant--to give the reasons for this instead of just the bare facts of what they built and they haven't finished it and why they are asking for more time?

MR. PEMBERTON: They have requested more time because of manpower shortages, space shortages, difficulties with building treatment plants on fill which didn't provide adequate foundation material. In the case of a large terminal lagoon, they had to clear an old storage yard before they could start the construction. And they have had a heavy workload on their technical people which has made it impossible to complete all the technical work on time.

MR. STEIN: In other words, you would say that Youngstown Sheet and Tube is making a bona fide effort to comply, but because of space, technical and staff difficulties and the tightness of the facility they have not been able to complete?

MR. PEMBERTON: Yes, sir.

MR. STEIN: Could you be specific about what they are asking for in the way of extensions so the Conferees can have that before them? We know with Ford that they want 30 days from the time they have--90 days, rather.

How about Youngstown Sheet and Tube, what are they asking for?

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MR. PEMBERTON: For the single treatment plant which will treat wastes from No. 1 Tin Mill, No. 2 Tin Mill, No. 2 Sheet Mill, they have asked for extensions to December 31, 1969.

For expansion of the blast furnace wastewater system, a new clarifier will be added to that with a requested date of December 31, 1969. In addition to this, they will install recycling facilities by June 30, 1970.

The terminal lagoon which I spoke of, they have requested a date of June 30, 1969. This will receive effluent from the existing scale basin on the lakefront.

The north lagoon, they have asked for an extension to June 30, 1970. And this is an emergency facility for use only in the event of pipeline break or equipment malfunction.

Incidentally, this plant was inspected January 7th.

MR. STEIN: All right, thank you.

Then as I understand it, what they are doing is really asking for, on the terminal lagoon, just about a six-month extension, on the treatment plant, central treatment plant and the clarifier, a year extension, and the terminal lagoon a year and a half, but that is a backup facility in case anything goes wrong, and the recycling a year and a half. In other words, their extensions are requested for part of the work six months, part of the work a year, and part of the work a year and a half, is that correct?

MR. PEMBERTON: Yes.

MR. STEIN: All right.

MR. KLASSEN: Mr. Chairman.

MR. STEIN: Yes, Mr. Klassen.

MR. KLASSEN: I have got a question. If I should ask this later, you let me know.

What are your procedures here? I just got this agenda. Are we going to be asked to vote on these extensions? Is this what we are leading up to?

MR. STEIN: Yes. We are going to come up with a--yes, if you want to call it a vote. We are going to ask your opinion, yes.

MR. KLASSEN: Then I am going to ask two questions now. If you want me to ask them later, let me know.

MR. STEIN: Go right ahead.

MR. KLASSEN: What I would like to have in the presentation, back up and from here on, Mr. Pemberton has been referring to "they have been asking." I want to know who is asking and in what form these requests are. Are they all verbal or written? I think we should know this. If I am going to have to vote, I want to know who is asking for this. I have heard no requests, I have seen no requests.

. MR. POOLE: Mr. Klassen, I think you have seen a request which is a copy of the letter that the company filed with Indiana in accordance with your suggestions in December, that is to back up. We made a request at the December Conference, "we" meaning the Indiana Pollution Control Board, and I believe the company also made a request in its presentation at the December Conference.

Following that, if I can find my papers here, Youngstown Sheet and Tube wrote us a letter, which is dated December 27, 1968, signed by J. W. Kirkpatrick, District Manager, and it is my understanding copies of these letters have been reproduced and sent to all the Conferees at this table.

MR. KLASSEN: I am aware of that.

MR. POOLE: What do you consider a request, then?

MR. KLASSEN: A request, as I--and if you will refer to that, I will appreciate it--as I read these letters, it merely gave the status and the reasons why they haven't complied. I did not read in there--I may have overlooked it, and if I have correct me--either from the company to you, but particularly from the Indiana Conferee to this Conference, a specific request for a time. And if you have it, I would like to see it.

MR. POOLE: I thought we had made it for about the last three meetings of the Conferees.

MR. KLASSEN: All verbal.

MR. POOLE: What do you mean all verbal, with a court reporter sitting here in front of you?

MR. MILLER: It is the official record.

MR. KLASSEN: In other words, you have answered my first question. The State of Indiana is making this request on behalf of the industry, is that it?

MR. POOLE: That is correct.

MR. KLASSEN: O. K. And this has been merely a verbal request on the record? If so, my question has been answered.

MR. EGAN: Mr. Chairman, in this instance, with the new facilities there they are doing the work that is necessary upon pollution, but what about the older facilities? Are they doing any work there?

MR. STEIN: Mr. Pemberton, do you want to try to answer that?

MR. PEMBERTON: The work for which the extensions of time have been requested, I think, are all for old mill facilities and when completed they will be treating the wastes from all the older parts of the mill.

MR. STEIN: Does that answer your question? Let me try to rephrase it.

For your report, whether it deals with Ford, Youngstown Sheet and Tube, which you have already covered, and all the others, this covers the old as well as the new facilities in those plants?

MR. PEMBERTON: Yes. The entire plant.

MR. EGAN: Well, I will take that under consideration.

MR. STEIN: Thank you.

Let me clarify this from the chair. I

have always considered that the Conference record and the transcript of the Conference was the official document we proceed on here, and whether something gets in the record by the introduction of a document such as a letter or read in or said by one of the Conferees or one of the participants, that is part of the record. Now, unless we are mistaken on this, I have also construed that Mr. Poole for Indiana has been making the request for an extension of the timetable on these Indiana industries. He has done this repeatedly. We have not had any request for extensions from anyone else, and I think Mr. Klassen is correct.

However, I think if we look at the record as a whole, when we examine the industries coming up, the industries have indicated what they thought were the facts and what they could comply with, and I don't know that they threw themselves on the mercy of the Conferees, but the way the law is written, since they are not parties to the Conference, the only ones who can really make motions here that count are the Conferees. Based on the record, we will entertain, when we get around to this, motions by the Conferees for requests for extension or nonextension. And this is precisely the question we are going to put to the Conferees.

I think Mr. Klassen has made a very good point, and this is just the nature of the beast with this Conference technique. That is, if we are in this real delicate area of Federal-State relations and if at the Conference we are working through the States and the people who are the alleged polluters or contributors to pollution are not parties to it, this is one of the problems we just have to get around. And the Conferees are the moving force here.

If there are no other comments, may we go on to the Indiana Harbor Works of Inland Steel, please?

MR. PEMBERTON: This plant was visited January 8th. The plant uses about a billion gallons of water per day from Lake Michigan. They discharge process and cooling water to Indiana Harbor Canal, acid wastes to deep wells, injection wells. They have a trickling filter treatment plant for sanitary wastes with chlorination of effluent, for which the State Board of Health reports that operation is satisfactory. They discharge ammonia still wastes to East Chicago sewage treatment plant.

The Company has scheduled 12 waste treatment projects, of which at the present time 11 have been completed. The remaining one to be completed is a large terminal treatment facility, which in the case of Inland also treats wastes from older parts of the plant. This is a large treatment facility. The company has received a permit from the Corps of Engineers to construct it on fill in the turning basin. This permit was received in June 1966 and they have been constructing the fill for the plant at that time and at the present time are putting some of the wastes through some temporary lagoons in this fill area where they get some settling and some oil skimming of the wastes.

They have requested from the State of Indiana an extension of time for completion of this terminal treatment facility to May 1970. Further reasons cited are foundation problems, unconsolidated clay foundation material on which they will construct the plant, and also some 4,000 feet of interceptor sewers to be built to serve the plant. The fill area was in about 28 feet of water, so this represents quite a large fill.

These are the reasons that we have for their requesting an extension.

MR. STEIN: Mr. Poston suggested something. I think this might help the record.

As Mr. Pemberton finishes each one of these, to keep this all in one place, if any of the other Conferees or one of the inspection group that went out with Mr. Pemberton or the other inspection team feels they want to add something, this might be the place to do it. By the way, we are not going to foreclose it, because we are going to give you another chance when we are all through. But if you feel that Mr. Pemberton has not completely covered this and you want to modify it and any of the State or the district people have anything else to say, we would appreciate that.

In other words, let me try to summarize the Inland Steel situation. They have 11 out of their 12 facilities completed and they have presumably substantially met the deadline on those. The 12th and the terminal facility we know is a big one.

They are asking for about a 16-month extension, you would say?

MR. PEMBERTON: Yes.

MR. STEIN: The problems there that

they had with the delay was getting the site placement which they are putting on fill and also the complex technical and physical difficulty of getting all the equipment in any more rapidly.

Is that about a fair statement?

MR. PEMBERTON: I don't have anything about equipment problems in my notes.

MR. STEIN: All right.

MR. PEMBERTON: Mainly construction problems.

MR. STEIN: Mainly construction problems, right.

May we go on to International Harvester?

MR. PEMBERTON: International Harvester, Wisconsin Steel Works, was inspected January 10th. The company uses about 40 million gallons a day from the Calumet River for process and cooling water and gets sanitary water supply from the city of Chicago, discharges sanitary wastes to the Metropolitan Sanitary District sewerage system, discharges process and cooling water to Calumet River, and discharges some acid pickle liquor to the Calumet River from a batch process. This amount is 1,500 gallons per week of 2 to 3 percent acid. It is put into a discharge of process and cooling water of about 40 million gallons per day on the average.

The company has completed a number of facilities since 1965 which control pollution to the Calumet River. However, many of these facilities are put in in connection with their program for a completely closed recirculation system of water within the plant and some of them have not been specifically designed to abate pollution in the river but to clean up the water for the recycling and the reuse.

At the present time they have some three facilities still to complete in this program for complete recycling. Two of these are mechanical descaling equipment which will eliminate the acid pickling, and their schedule for the installation of these is in the billet conditioning equipment December 1970 and the bar conditioning equipment July 1971, and that after that equipment is installed they expect to have complete recirculation in effect by July 1972.

The discharge of the acid pickling liquor is not planned to be eliminated until this mechanical descaling equipment is installed.

MR. STEIN: Are there any questions or comments here?

MR. POSTON: I would like to make a comment. I note that there is 1,500 gallons per week, approximately, of 2 to 3 percent acid from a batch process that is dumped to the river, and they intend to eliminate this when they are able to install mechanical equipment to do this removal of scale or eliminate acid pickle liquor with some mechanical device.

I note that some of the mills are already hauling this acid pickle liquor away, and I see no particular reason that they shouldn't eliminate this 1500 gallons per week by hauling. That wouldn't be more than a couple of truckloads. Isn't this a feasible answer instead of keep dumping this acid into the river until you can get around to installing this other equipment?

MR. STEIN: Is that a question to Mr. Pemberton?

MR. POSTON: Well, this is a statement, I would say. I would say that I think it ought to be stopped right away.

MR. STEIN: These dates seem to me a

little longer than some of the others we had, going up to July 1972. Could you give an explanation, Mr. Pemberton, when the last equipment is going to get in in July 1971, why it is going to take them another full year to complete recycling work?

MR. PEMBERTON: I don't think I have an explanation for that.

MR. STEIN: Well, I think the wheel has come to a full turn here. I don't know what the record indicates, but, as you know, this company, Wisconsin Steel, is considerably smaller than some of the other companies we have been working with, and I think they had the plan and the recycling before some of the others and were going ahead. Now we are coming up with dates which are at least a year and a half beyond the farthest other date I have heard before, which is July 30, 1970.

If we are going to come to July 1972, this is another year and a half for a program which, as I understood it, was supposed to be farther advanced than the other plants two or three years ago.

MR. PEMBERTON: It is expected that the July 1971 date will eliminate the discharge of pollutants to the river. The completion of the recycling system by July 1972 is for conservation of water.

MR. STEIN: In other words, they will be completed as far as pollution of the river by July 1971?

MR. PEMBERTON: Yes.

MR. STEIN: Well, that still is a year beyond the farthest other date we have so far, isn't it?

MR. PEMBERTON: That is right.

MR. STEIN: Is there a reason for that? Why do they need until 1971? Is it a difficulty in installation, getting equipment? What is the reason for this?

MR. PEMBERTON: That is their schedule. I can't tell you. But, of course, the alternative is what Mr. Poston suggested, finding another means of handling this pickle liquor.

MR. POSTON: I think this might emphasize one of the problems that you have in this whole abatement program, and that is the problem of whether you are going to try to put as much in there as you can or whether you are going to try to make it as clean as possible. I am going on the basis that we want Lake Michigan as clean as possible, and this includes when you get a concentration of waste in a small package that you ought to get rid of it and not try to dilute it down with a large volume of water, because this has been done in some places. They just pump more water and then throw it in there and maybe you won't find it.

MR. STEIN: Let's try this again, Mr. Pemberton. Suppose they found an alternate method of getting rid of the pickling liquor without dumping it into the water course. Would they substantially stop the pollution or what happens, what do these December 1970 and July 1971 dates mean then? In other words, could they substantially stop the pollution if they got rid of that pickle liquor by an alternate method within the next few months?

MR. PEMBERTON: Yes, sir.

MR. STEIN: All right.

Did you want to say something?

MR. MILLER: I don't know whether I should or not. Do you want me to?

MR. STEIN: Surely.

MR. MILLER: Maybe I can clarify it a little bit, Murray.

This plant already has, if I count, five complete recirculation systems in, and this is a pretty small amount of pickling acid actually that is being discharged into a rather large flow and really, in my estimation, not of much consequence.

And then the one you questioned on the last is for complete recirculation of condenser and cooling water, which goes way beyond what we are talking in mill wastes. This is actually cooling water and condenser water now which would be discharged and considered clean. So that this last project goes way beyond to tie the mill up so there will be no discharge whatsoever to the watercourse.

MR. STEIN: Let me again phrase this, because this can cast a different light on it.

What you are saying is Wisconsin Steel Works is substantially cleaned up now, but putting in a small amount of pickling liquor, which will be cleaned up by their further operations by December 1970 and by July 1971 they will have further improvements which will go far beyond our requirements?

MR. MILLER: Right.

MR. STEIN: All right.

Are there any comments on that?

Thank you.

May we go to Gary Sheet and Tin Works, United States Steel Corporation.

MR. PEMBERTON: Gary Sheet and Tin Works was visited January 13th. They use approximately 150 million gallons per day of water from Lake Michigan. They have outfalls to Lake Michigan, to Gary sewer system, Grand Calumet River, and to an injection well.

They have completed facilities since the date of the first Conference for 6-stand tandem cold reduction mill, 84-inch hot strip mill, the deep injection well for pickling acid. They have also diverted oily wastewaters from the 80-inch 5-stand cold reduction mill to the 6-stand tandem cold reduction mill waste treatment plant.

Facilities still in progress:

Segregated wastewater from the tin mill to the existing waste treatment plant at the 6-stand tandem cold reduction mill, with a requested date of June 30, 1969.

Segregated wastewater from the sheet mill to this same waste treatment plant, the 6-stand tandem cold reduction mill, with a requested date of 6-30-69.

Diversion of wastewater from the 80-inch hot strip mill scale pits to the 84-inch hot strip mill filtration plant. And I don't have a date for that.

MR. MILLER: March 1, 1970.

MR. PEMBERTON: March 1, 1970, to complete the diversion of wastewater from the old 80-inch hot strip mill.

They have had problems with leaky and old broken sewers in the old plant area and construction problems just because of a large construction program.

The main facility in question, I think, is this diversion of wastewater from the old strip mill to the treatment plant which has been constructed at the new strip mill.

MR. STEIN: And when do they expect that to be completed, Mr. Pemberton?

MR. PEMBERTON: March 1970.

MR. STEIN: And as I understand it, the Gary Sheet and Tin, I know, has done some work already, at least with the new facilities, but with the old facilities they are going to be completed with some of them, they contend, six months past the date--

MR. PEMBERTON: Two facilities.

MR. STEIN: Two facilities?

MR. PEMBERTON: Right.

MR. STEIN: And one in a major facility 15 months past the date.

MR. PEMBERTON: Right.

MR. STEIN: Can you just give a rough estimate of the magnitude of these two programs? In other words, how much of the remaining waste is going to be completed in six months and how much in fifteen months, about? The bulk of it will go for 15 months.

MR. PEMBERTON: I think that is right. I can't tell you what percent from each of these mills.

MR. STEIN: Right.

MR. PEMBERTON: Because I don't have the flow figures.

MR. STEIN: But presumably at the end of 15 months you and the other inspectors are pretty much convinced that if the program is carried out that the Gary Sheet and Tin Works will be providing treatment for all of its wastes to meet the requirements of the Conference?

MR. PEMBERTON: It will be providing treatment approved by the Indiana Stream Pollution

Control Board, yes. I don't say that it will meet the requirements of the Conference. We have a Technical Committee which is just established to determine that.

MR. STEIN: Well, perhaps the Conference will determine that, though I appreciate the effort of the Technical Committee.

Are there any other comments or questions?

MR. POSTON: I have a couple of comments, if it is in order now.

MR. STEIN: All right.

MR. POSTON: I think that in the case of the Gary Sheet and Tin Works there is evidence that they have had new installations and that these new installations are getting some new treatment devices that have been constructed approximately on schedule, but that some of the old sources, some of the old parts of the plant which had works that were not adequate in 1965, are still going to require until March 1970, or some later date, to have their works completed. I sometimes wonder whether the idea might be that we would wait until this plant wears out and then we would have all the new plants treated and old plants would be abandoned and this way we would handle our pollution problem.

I am of the opinion that we need to handle those old wastes as well as the wastes from the new facilities.

MR. STEIN: I didn't know that old steel plants wore out. I just thought they dissolved in smoke. (Laughter.)

MR. POSTON: Or acid?

I have one other comment, and this is in line with Mr. Klassen's request. In the case of Wisconsin Steel Works, was there a request for an extension of time for Wisconsin Steel Works to complete their construction? This wasn't clear.

MR. KLASSEN: Who are you directing that to, me?

MR. POSTON: Whoever can answer it, I guess.

MR. KLASSEN: That particular installation is not within the jurisdiction of the Sanitary Water Board Conferee. I presume that Mr. Egan or Mr. Stein or somebody else. There has been no request to us, and that rightfully so because it is not in our jurisdiction.

MR. POSTON: Well, I haven't seen a request either.

MR. EGAN: We know of no request.

MR. STEIN: I would like the Conferees really to consider this question. You know, the point is I would like to line up with this as substantively as possible. And this question of a formal request or not may be interesting. But we have the whole record of the Conference and these inspection reports, and I do not know whether we necessarily have to, although this is an important fact, have a request before us. In other words, given the circumstances, the Conferees can come up with a date.

Now, as far as I see, the administrative procedure in State or Federal, the Conferees set a date and it is the obligation of the polluters to meet that date. Now, polluters or anyone else can make any request to an administrative agency. But the fact of the existence of a request or the nonexistence of a request does not necessarily deal with the responsibility of the administrative agency to set up a reasonable date or modify it as they see fit or with the obligation of the polluter to meet that date even though they filed a request.

So I think this is an interesting thing and may be very pertinent, but I am not sure it completely relieves the Conferees of their responsibility in the case to say whether someone is in compliance or not and if they are not in compliance whether we have to take further action.

MR. KLASSEN: Would you clarify another point, then, on that one, Mr. Chairman, for me.

What is the obligation, if any--I say if any--of the Secretary of the Interior to accept or reject any recommendations that the Conferees make? Isn't he the final word?

MR. STEIN: Yes, he is.

MR. KLASSEN: All right.

MR. STEIN: Of course, we have a new Secretary now and I would not presume to commit him. However, the facts of a Federal-State cooperative program have been that whoever has been the Secretary, whether it has been in Interior or HEW, has in the past endorsed--and I think it speaks well for the Conference technique--has endorsed the recommendations of the Conferees, representing the States and the Federal Government and the sanitary district or an interstate agency, if they are involved, where these recommendations have been unanimous. Where the recommendations have not been unanimous, of course, the Secretary has to make up his mind.

But so far we have had a batting average of 1,000 on this, and what I am striving for is to see if we can get the States, the district and us to come up with unanimous recommendations so we can keep that batting average up. I do think that for the new Administration in starting off the program if we can get unanimity among the States, the Sanitary District and the Federal government, we will be well on our way toward being most productive in the field of water pollution control. And this is why I want to try to, if I can, not have any hangup on a technical or a procedural difficulty if we can come into an agreement substantively as to what is to be the recommendation.

Let me again put the point as I see it before the Conferees. We did set a date for December 30, 1968. Obviously in some instances these dates have not been met. What is the recommendation and conclusion of the Conferees as to the reasons for not meeting the date and what do we think that the posture of the State and Federal Government and particularly the Secretary of the Interior should be now? Should he revise the dates, say, to substantial compliance or proceed with the next step in the statutory proceedings, which is a hearing?

MR. EGAN: Mr. Chairman, I believe in the minds of some of the people there is a question as to the Conference jurisdiction, and that may be why there was no formal application made here for an advanced date.

MR. STEIN: Yes. Again I read that first sentence on the jurisdiction, what I consider the jurisdiction of the Conference. Now, we have had many Conferences in the past. Again I would like to indicate this is a Conference. It is not a hearing or a court action. We don't have several things such as witnesses under oath, cross examination, and to say the least fairly strict rules of evidence.

We have by the Conference technique tried to maintain a procedure as informal as possible and yet have an orderly procedure and maintain decorum and relevance. We have always entertained at any time a request from any of the Conferees as to a change in either a date or a requirement. When the question of a date not having been met has come up--and this has happened, as you well know, in other places, and in the experience that the States have had and we have had in other places--the Chairman presents that question to the Conferees, request or no request from anyone, and asks them their judgment on what we should do about this.

As I see some of these cases, and without prejudicing this one way or another because we just continue this, let's take International Harvester. International Harvester presumably is not going to completely, and it may be that they will substantially completely, have abated the pollution from International Harvester. We have this question of the extra acid that Mr. Pemberton and Mr. Miller talked about not being taken care of since December 1970.

The question that the Chairman will have--the way I will put this later, as we have done in many other conferences--do we consider that they have substantial compliance and that it is reasonable for them to put in this other facility by December 1970, or do we want to require them to do anything else now, and what recommendation would you make to the Secretary on that?

I think this will boil down to the situation if you think of substantial compliance and give them until December 1970 to take this out completely -- whether the acid they are putting out is of such moment that the Conferees should recommend that they find an alternate method such as trucking it away. This is the type question we would put to the Conferees. We would indicate, and I think the record has indicated, that there has been no specific request from International Harvester for an extension; that this is a question that we are going to face on the basis of the recommendations that we made in 1965, on the basis of reports we have had here and particularly the inspection report we have had today.

If the Conferees want to act on that, and I would hope they would, and we can come up with a recommendation to the Secretary from the Conferees, I think we will be ahead. If not, I think, of course, it is the Secretary's problem and obligation to meet this issue. And this is how we will handle the cases.

In some of these cases, for example, if we take the Inland Steel Company and another one we have had, we will raise the question the same way, but we can indicate here that we have had a request for an extension possibly from Mr. Poole in Indiana and he has had communications and meetings with, say, the Inland Steel Company that he construes as a request. Again all these facts will be taken into consideration, I hope, by the Conferees in making their judgment and recommendation, if any. And this is how I will handle it.

I look at this request as just another piece of evidence or material to be considered by the Conferees in making their judgment. However, we are going to pose the questions whether a request is in or not. We are not going to wait on a request one way or the other. Our sole question here is to determine whether we are going to extend possibly or recommend the extension of certain time periods or proceed further with the action.

MR. EGAN: Mr. Chairman, what you are saying then is that there is no doubt that the Conference has jurisdiction of the Calumet River?

MR. STEIN: No doubt in my mind. Now, here, as I see this, and this goes for the Conferees, the Conference was called including the Calumet River, as I read at the beginning. The Secretary in putting out his summaries has included the Calumet River in all cases. The question has come up from time to time by some of the people who made presentations that the Calumet River really wasn't within the jurisdiction of the Conference. We listened to that. The Conferees have taken no action to exclude the Calumet River. We asked the question specifically at the last session of the Conference whether any of the Conferees wanted to bring this up. The record will show the response was negative.

I do not see that the Calumet River is excluded from the jurisdiction of the Conference and it is completely within the jurisdiction of the Conference as called by the Secretary.

FROM THE FLOOR: Mr. Chairman.

MR. STEIN: I am sorry, sir, we cannot--

FROM THE FLOOR: I have a question. I just have a question.

MR. STEIN: We do not entertain questions from the floor, I am very sorry.

FROM THE FLOOR: Just a question as to--

MR. STEIN: No, I am sorry.

FROM THE FLOOR: An opportunity to be heard?

MR. STEIN: Everyone can be heard and we will make arrangements, but we cannot--

FROM THE FLOOR: On the question of jurisdiction and whether or not you set standards, you are going to give people an opportunity to correct some of the distortions that have been stated by some of the Conferees, is that right?

MR. STEIN: We will give every opportunity to everyone to make a statement. However, we are not entertaining questions or comments from the floor at this time. Whether the net result of that statement will be to correct a distortion or not, I am sure the record will show.

FROM THE FLOOR: Thank you.

MR. STEIN: Now, anyone who wishes to speak--and the law is clear on this--can either get together with the State agency or the District, as the case may be, to be heard. If you can't do that, then see the Chairman and we will arrange for you to go on. I should have indicated this, by the way, in the opening statement as to our procedure, but most of you have been here before. But everyone will be given an opportunity who wants to make a statement.

May we go on?

Gary Works, United States Steel Corporation.

MR. PEMBERTON: The Gary Works was inspected January 14th. Gary Works uses approximately 643 million gallons a day from Lake Michigan; water for domestic use obtained from the Gary water company. They have 13 outfalls to the Grand Calumet River, 2 to Lake Michigan, and 1 to the Gary sanitary system through which they discharge their domestic wastes.

The facilities which have been constructed since the first Conference date include improvements at the coke plant for segregating the ammonia still wastes. Some are used for quenching and some are discharged to Gary sewer system.

They built settling basins for flue dust. These have been enlarged and provided with more efficient weirs and baffle systems.

They built two large new facilities with waste treatment facilities constructed at the same time. One of these is the basic oxygen process shop and the other is a continuous casting facility. These are new

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mills that had waste treatment plants built in conjunction with the construction of the mills.

Facilities still in progress: 1) For the blast furnace area they are going to build additional settling basins, oil separators and waste segregation; requested date for the completion of this is 12-1-69, December 1, 1969; 2) in the steel making area they have under construction oil separators and segregation of wastewater with some discharge to this blast furnace area settling basin, with a requested completion date of December 31, 1969; 3) in the hot mills area,there is construction of various sewers, sumps, pumps, piping and settling and oil skimming basins, with a requested completion date of December 31, 1969.

Problems have been with labor shortage, difficulties in obtaining equipment, a very difficult job of separating sewers in the old mill areas, considerable lag time in their initial plant waste survey, which took 14 months.

I believe they also stated they had some delay in the State of Indiana review process.

MR. MILLER: No.

MR. PEMBERTON: No? Well, that was a note I had.

So they have three facilities for which the dates for two of them are December 31st and the other one is December 1, 1969.

MR. STEIN: December 31, 1969?

MR. PEMBERTON: For two. And December 1, 1969, for the other one.

MR. STEIN: They have not completed any of the works yet, have they?

MR. MILLER: Yes, the coke plant and tube works.

MR. STEIN: They have completed some?

MR. PEMBERTON: Yes. They have made improvements at the coke plant.

MR. STEIN: Yes. But does that eliminate any pollution?

MR. PEMBERTON: Yes.

MR. STEIN: That is what I wanted to get at. All right.

MR. PEMBERTON: It reuses some of the wastes and discharges the others to the Gary sanitary district. And then these two new mills had treatment plants built with the mills.

MR. STEIN: Right. So in other words, the bulk of the work is to be done yet, yet to be completed?

MR. PEMBERTON: Is serving the older parts of the mill.

MR. STEIN: The bulk of the wastes of the older plant will not be really treated until 11 and 12 months from the extension date we gave, is that right?

MR. PEMBERTON: Yes.

MR. POOLE: That's right.

MR. STEIN: All right. Well, they have made some improvements in the coke plant where they recycled and cut down some of the volume of the wastes, is that correct?

MR. PEMBERTON: They have also made some improvement in settling basins for flue dust entrapment.

MR. STEIN: All right. Are there any questions or comments?

One of these comments from Mr. Pemberton is really what I would call typical. If we didn't have these tensions, I would think something was wrong. That is the comment that there was a delay in the U.S.

Steel industrial waste survey, maybe 14 months, and then U. S. Steel talks about a delay in governmental approval. I think if we didn't have those two sides, we really wouldn't have a case.

Are there any other comments?

If not, may we go on to the South Works.

MR. PEMBERTON: U. S. Steel South Works plant was inspected January 15th. This is a plant that uses about 430 million gallons per day of water from Lake Michigan, has discharges to Lake Michigan through the north slip at the plant to Calumet Harbor and to Calumet River. The plant sits in a location bordering both Lake Michigan and the Calumet River and it discharges to both.

Facilities completed since the first Conference date have been clarifiers, oil skimmers, diversion of selected wastes to a sump from which they are recirculated through the plant. They have also purchased equipment for trapping and removing spill oil or oil emerging from bottom sediments in their slips.

Facilities yet to be built or yet to be completed are the facilities in connection with the basic oxygen plant which is under construction. This plant itself is not completed and not in operation yet. When it is completed it will have a waste treatment facility.

They have some new clarifiers which are in operation, but they need an additional six weeks to bring them up to full performance.

They are going to install recirculation, which will shut down one of the outfalls. The water will be recycled and will be used as a blast furnace quenching.

MR. STEIN: When are they going to do that?

MR. PEMBERTON: That is planned for completion in February 1972, according to my record.

MR. STEIN: Is that all?

MR. PEMBERTON: Then they have a sump in the north slip where they discharge waste from the mill areas and give it primary sedimentation and oil skimming and then recirculate it through the plant. This is going to be improved by the addition of air flotation treatment process, which is expected to be completed by February 1972. This sump, which is in the north slip, is connected to the lake. Therefore, this additional treatment process will also be a pollution abatement facility at that location, and they expect--they have asked time until February 1972 for that completion date.

MR. STEIN: Are there any comments or questions?

I have a couple here, because this is sort of an interesting operation in the South Works. If I read you right, and if I don't, let me look at this. I didn't think we would be this far ahead with the South Works at this time.

Are the indications that they are in substantial compliance? Because there is no pollution from the basic oxygen plant coming out until they go in operation; they are going to have this done. The clarifiers that they have completed, they need a knockdown period of six weeks, which you may very well need with most plants, and that might be substantial compliance.

Now, these two operations where they are going to have the recirculation from the north slip sump and that other recirculation system, are they real big areas of pollution sources or just fairly minor ones?

MR. PEMBERTON: Those are large discharges

MR. STEIN: They are large? Why are they taking so long?

MR. PEMBERTON: They are from the rolling mills and contain mill scale oil, both floating and soluble oils, I guess.

MR. MILLER: No solubles.

MR. PEMBERTON: No solubles?

MR. MILLER: No solubles.

MR. STEIN: Again this is the most outside date we have if they are large discharges. Is there any indication why they need that long?

MR. PEMBERTON: We have no time schedules or bar charts furnished to us, and I can't say.

MR. STEIN: In other words, you think if we take these aerial photographs again, until 1972 we are going to get all that discoloration showing up in the lake water from material coming out of the South Works and what they are asking for is a four-year extension, more than a four-year?

MR. PEMBERTON: Well, it is--

MR. STEIN: No, three years.

MR. PEMBERTON: --three years.

MR. STEIN: Three-year extension? Is

this the case?

MR. PEMBERTON: That is what they are asking for.

MR. STEIN: I think we were in President Egan's office once when Mr. Poston presented these pictures of that plant, and I don't think you need much of a scientific study to see what is coming out.

MR. PEMBERTON: Well, that situation, the visible discharge there has been improved somewhat through the diversion of these mill wastes to the sump at the end of the north slip where oil skimmers have been installed, so that they are removing a lot of the oil from that waste which did go out to the lake without removal.

MR. STEIN: So that has been improved?

MR. PEMBERTON: Yes.

MR. STEIN: But you still say that there are going to be substantial discharges for another three years?

MR. PEMBERTON: Yes.

MR. STEIN: According to this schedule?

MR. PEMBERTON: Yes.

MR. STEIN: Well, if I might say, just

give this to the Conferees, this raises a pretty fundamental question. I think it would be helpful to understand just what the reason for this is. I think we have got something here. Again I don't want to prejudge this, but just on the face of it the magnitude of this seems to be possibly a little different from some of the other reports we have. Can you give us any insight into that or not or can any of the other States? Or possibly when we call on the people here if there is anyone from U. S. Steel here, they may want to speak to this, because this is, I think, a point that the Conferees are going to have to give some very careful consideration.

Are there any other comments or questions?

MR. POSTON: I might say that I visited U. S. Steel plant along with the inspection team and I was very much surprised at the progress that had been made because I had visited it previously about a year or a little more previously, and I had noted that a lot of measures were being taken. And I noted that there was a lot of improvisation where they improvised and utilized the slips for treatment, and I think this is a very good thing. However, I also noted that there is still pollution going out into the lake and there is still pollution going into the Calumet River from each of these slips where the discharges go.

So on one hand I would say they have since about a year ago made some very rapid moves and improvised by borrowing pumps and rerouting their piping and the use of polyelectrolytes. But there are still a lot of efforts that must be made and will have to be made if we get that pollution abated.

MR. STEIN: I recognize the difficulty of the South Works plant. I am sure they don't have quite the space that some other plants might have and the flexibility for making changes. It is almost like an urban renewal program out there. If you are going to have a cleanup, there is just no place to put anything and if you are going to put something in you have to rip something down first--sort of like in the Loop in Chicago.

I would strongly urge if someone is here from the company that he possibly get together with the technical staff or make a statement on this 1972 proposal,so that possibly the Conferees can have a little more information on this before we begin to determine what the disposition of this item is.

Yes.

MR. KLASSEN: A question, Mr. Chairman, just for clarification.

Mr. Pemberton, did I understand you to say that in the lake outlet at the South Works--I am not talking about the Calumet--at the lake outlet there is red material which would indicate pickle liquor and all of this still coming out? As I recall, I could be mistaken, but at the last meeting of this Conference on December 11th Mr. Bacon made the statement that the lake outlet of the South Works would be in compliance by December 30, 1968, and there seems to be a difference here on this. Are we talking about the lake outlet?

MR. PEMBERTON: Yes, sir. But I didn't make a statement about red pickle liquor coming out into the lake. I said, I think, that that situation has been improved through the use of this old water supply sump at the inner end of the north slip as a discharge chamber settling basin for wastes which are settled and which have oil skimmed from them and then which are further recirculated for use within the plant. However, my understanding is that there is a connection between this sump and the slip so that there is circulation between the two and there is outflow to the lake.

MR. KLASSEN: What is coming out of that lake outlet? That is what concerns me, because this is quite an important point, because this was the outlet allegedly where--I am quoting the court record now--two to nine gallons of oil went out into the lake for which the company subsequently received a Supreme Court decision upholding the injunction petitioned by the Sanitary District.

Now, if something else is going out there into the lake, I think that this is an important point. I am asking for information. I would like to know what is going out there.

MR. PEMBERTON: I believe the Metropolitan Sanitary District monitors that. We do not and I don't know what the present analysis is.

MR. POSTON: I might add a little light to that. I think we do have an analysis that was made by U. S. Steel at the east end of their north slip, which is right where the discharge goes to the lake, made at cross sectional samples, and I think perhaps we have this analysis here. This is the analysis made by U. S. Steel.

MR. EGAN: Dr. Stein, what is our report?

DR. STEIN: Essentially that is the same report that Mr. Poston is about to read.

MR. POSTON: Perhaps it would be better if you will read it. You are the ones that received this report.

DR. STEIN: May I read it from here, sir, or shall I come up there?

MR. STEIN: Come on up.

STATEMENT OF DR. JEROME E. STEIN
METROPOLITAN SANITARY DISTRICT
OF GREATER CHICAGO, CHICAGO, ILLINOIS

DR. STEIN: What I am about to read is the last report of the North Slip outfall from the U. S. Steel Company. And I will read the analysis of the concentrations.

Chemical oxygen demand in terms of milligrams per liter was 20. The pH unit taken at 25 degrees centigrade was 8.2. The temperature was 57. The suspended solids was 6. The settleable solids was less than 0.1 milliliters per liter. Color was 7. The hexane solubles were 14 parts per million. The organic nitrogen parts per million as nitrogen was 0.7 parts per million. The ammonia nitrogen milligrams per liter as nitrogen was less than 0.1. The chlorides in parts per million were 17. The sulfates in parts per million was 19. The conductance was 290 taken at 25 degrees. The cyanide in parts per million was less than 0.01. The total iron in parts per million was 1.4. The phenolics in parts per million was less than 0.001. The average flow through the North Slip was 47,000 gallons per minute and these were data as of 10-25-68.

MR. POOLE: What was the duration of that? Is that a 24-hour composite, Dr. Stein?

DR. STEIN: Mr. Poole, these were eight-hour composites.

MR. POOLE: Thank you.

MR. STEIN: Thank you, Dr. Stein.

MR. KLASSEN: Eight-hour composites by U. S. Steel over what period?

DR. STEIN: Over the entire working day.

MR. KLASSEN: For one day?

DR. STEIN: Yes, sir, during an 8-hour working day.

MR. KLASSEN: On the 25th?

DR. STEIN: Yes, sir.

MR. KLASSEN: Were there any analyses made of--let me go back. Are these effluent results?

DR. STEIN: No, sir, these are results in the north slip.

MR. KLASSEN: Do you have any results as to the lake water itself to determine whether they were meeting lake water standards?

DR. STEIN: During this day, not that I know of.

MR. KLASSEN: Isn't that, after all, what we are after?

MR. STEIN: Yes.

MR. KLASSEN: Its effect on the lake?

MR. STEIN: Yes, ultimately. But I think again, you know, we are all faced with the same problem--when you do set up a standard; when you expect someone like Dr. Stein or anyone else to go about on their regulatory duties, they have a notion that they are looking at outfalls or something there because this tremendously simplifies the work. To try to find an effect on the standard and work it back is something we do every once in awhile to set the effluent points up. But in the day-to-day routine this is generally what is done, isn't it?

DR. STEIN: I would like to mention, sir, that the north slip is considered an outfall. It is on their property line.

MR. KLASSEN: Could I ask, as long as Dr. Stein is here, and we respect his professional opinion.

Would you say, Dr. Stein, if you care to, whether the discharge of this amount of water with these constituents would cause pollution of the lake on the basis of the standards that this Conference adopted? I think this is the important point.

DR. STEIN: On the basis of the standards adopted and on the basis of the control points, no.

MR. KLASSEN: Thank you.

MR. STEIN: In other words, you don't consider this a substantial pollution source?

DR. STEIN: Not on the basis of the standards that were adopted by the Conference and the control points.

MR. POOLE: Mr. Chairman.

MR. STEIN: Yes.

MR. POOLE: Going ahead, Dr. Stein, a little farther in the report, and I didn't have the benefit of any of the inspections, but you report outfalls 7, 8 and 9, which according to the map all look to me as if they are going to the lake, there, I guess, to the south, it would be, or on the right-hand side of the slip, and my report indicates substantial material in those outfalls.

DR. STEIN: Do you want to read it?

MR. POOLE: I don't know whether the rest of the people have the report I am looking for or not, but I am merely raising the issue and asking you if I am correct that in addition to the slip outlet there are outfalls that go to the lake?

DR. STEIN: Yes, there are outfalls that go to the lake other than the slip.

MR. POSTON: Dr. Stein, I have an analysis here dated 10-25-68, effluent discharge to Lake Calumet Harbor from the north slip, and I note that the phenols on this are quite different from the phenol you reported and this shows 2,001. I wondered what--

DR. STEIN: Excuse me. That is probably in micrograms as converted to--

MR. POSTON: That is still a pretty high phenol when you consider that there is 47,000 gallons a minute.

MR. POOLE: I think--

MR. POSTON: And I wondered if there is--

DR. STEIN: I would have to look at the unit--

MR. STEIN: Yes. Well, here, this isn't criticizing or anything, but I think maybe this is something that the Conferees, particularly the Technical Committee, have to look at, because I think it becomes very peculiar when we get a discharge coming out from a steel mill of 47,000 gallons a minute and we don't consider that a significant discharge related to the standards and then we have something less than 10 gallons of oil coming out of the same place as a violation. Now, I don't know--by the way, this is not a criticism of this if we set this up, but if we set this up I think we had better take a real careful look to see what is significant and what isn't.

DR. STEIN: Mr. Stein, I have before me

the phenolic level, and that is a typographical error, and that too should represent a "less than" sign. It is not 2,000. I doubt whether anybody could work in an area of that concentration. It is less than .001 and that should be corrected as a typographical error.

MR. KLASSEN: I am trying to recall what Mr. Bowden reported for Federal water pollution on their results of their sampling, and as I recall--and I think Mr. Bowden is here, he can correct me if I am wrong--he said that the criteria for the harbor water, inner harbor water, Calumet Harbor, were met with the exception of the ammonia content. Was this correct, Mr. Bowden?

MR. BOWDEN: At the mouth of the river.

MR. STEIN: Speak up, will you please?

MR. BOWDEN: At the mouth of the Calumet River the criteria established for inner harbor basins water was met except for ammonia.

MR. KLASSEN: This would tend to substantiate what Mr. Stein just said.

MR. POOLE: Well, Mr. Chairman, I don't want to belabor this, and I had hoped we weren't going to--

MR. KLASSEN: Not Mr. Murray Stein.

MR. STEIN: Well, he is Dr. Stein.

MR. KLASSEN: The scientific Stein, not the lawyer Stein.

MR. STEIN: Right. (Laughter.)

MR. POOLE: I had hoped we weren't going to get into an analysis of these individual sheets, but my map shows that in addition to a sampling station at the mouth of the slip which we have been discussing there are also outfalls numbered 7, 8 and 9, an outlet to the lake but between the slip and between the mouth of the Calumet River. And these outfalls, according to the report that Mr. Poston distributed just a day or so ago, indicate a substantial amount of polluting materials. I just wanted to get that into the record.

MR. STEIN: Well, again I think we do have this problem with presumably a substantial amount of polluting materials that are going to keep going out from the South Works plant, which will not be abated until February 1972 is the proposal, as I understand it. Is that substantially correct? Unless you don't consider them polluting materials, then why make them stop it at all.

Maybe that is a rhetorical question.

I think the Conferees would be helped, and I don't know if anyone from U. S. Steel is here, if we could plan later for someone from that corporation to make a statement on that.

Are there any further questions of Dr. Stein?

If not, thank you very much, Jerry.

(Off the record.)

(The above-discussed report follows.)

STATEMENT OF CARLYSLE PEMBERTON, JR.,

(CONTINUED)

MR. STEIN: May we go on.

General Chemical Division.

MR. PEMBERTON: Allied Chemical Company, General Chemical Division, was visited on January 16th. It is on the Calumet River in Illinois.

It has a widely varying water intake, from 5 to 20 million gallons a day, from the Calumet River. From the city of Chicago it takes 8,000 gallons per day for process water. The water from the river is used for cooling.

They have outfalls to the Calumet River

UNITED STATES STEEL CORPORATION
SOUTH WORKS
INDUSTRIAL WATER ANALYSES DISCHARGED TO CALUMET INNER HARBOR

	North Slip		No. 7 Outfall		No. 8 Outfall		No. 9 Outfall	
	Analysis	*Increase	Analysis	*Increase	Analysis	*Increase	Analysis	*Increase
C.O.D. Mg/1 as O_2	20	6	4	-	11	-	88	74
Ph Ph unit @ 25°C	8.2	0.2	8.2	0.1	8.5	0.5	7.9	-0.1
Temperature °F	57	-2	65	10	79	20	73	19
Suspended Solids Mg/1	6	-	9	0	50	33	89	72
Settleable Solids Ml/1	< 0.1	0	≤ 0.1	0	0.2	0.1	0.4	0.3
Color (Real)	7	2	3	-	3	-	6	1
Hexane Solubles Mg/1	14	-	29	2	22	-	24	-
Organic Nitrogen Mg/1 as N	0.7	0.2	0.5	0.1	0.7	0.2	0.9	0.4
Ammonia Nitrogen Mg/1 as N	< 0.1	0	< 0.1	0	0.3	0.2	6.5	6.4
Chloride Mg/1 as Cl	17	-	13	-	25	5	45	25
Sulphate Mg/1 as SO_4	19	-	21	-	33	9	31	7
Conductance umhos @ 25°C / 10 cm	290	0	280	0	350	60	470	180
Cyanide Mg/1 as CN	< 0.01	-	< 0.01	-	0.44	0.19	2.44	2.19
Total Iron Mg/1 as Fe	1.4	-	1.6	0.5	2.1	-	14.0	11.3
Phenolics Mg/1 as Phenol	< .001	-	< .001	0	.016	.010	0.488	0.482
Average Flow GPM	47,000		135,000		12,000		12,500	
Date of Sample	10-25-68		10-30-68		10-30-68		10-30-68	

*Increase Over Intake Analyses: Decrease Shown as (-)

for surface runoff and drainage into the Metropolitan Sanitary District for process water and sanitary wastes.

Since 1965 they have made several improvements in the plant which have reduced the number of outfalls, replacement of an obsolete acid cooler, and the company is not now in violation of the Conference pollution abatement requirements. It has not requested any extension of time and none is needed.

MR. STEIN: Full compliance with them, right?

MR. PEMBERTON: Yes, sir.

MR. STEIN: All right, that is good.

May we go on with the Riverdale Steel Plant, Interlake.

MR. PEMBERTON: The Interlake Steel Corporation was visited January 17th. Three different facilities were visited.

The Riverdale Steel Plant uses water from the Little Calumet River, 40,000 gallons per minute; it uses water from the city, 680 gallons per minute.

They have constructed sanitary sewer connection to the Sanitary District. They have constructed other facilities, a coagulator, cooling system, thickener, various things which have improved the pollution control.

At the present time they have five installations remaining to be completed: Filter house improvements, with a date August 31, 1969; oils from cold rolling, August 31, 1969; combine seven outfalls into one, planned completion date July 31, 1969; scale pits for a hot mill scale and oil skimmers for hot strip mill No. 4, planned completion date September 30, 1969; the waste pickle liquor system, completion date September 30, 1969.

The company indicated that they were late in starting construction due to delays in obtaining approval and from confusion arising as to what standards should be met.

Shall I go on to the next plant?

MR. STEIN: No. In summary, they are asking for, really, an eight- and nine-month extension?

MR. PEMBERTON: That is right.

MR. KLASSEN: I have a question, Mr. Chairman, of Mr. Pemberton, purely for information.

If they take water out of the Little Calumet River, Mr. Pemberton, could you explain how these wastes--obviously then it is below the O'Brien Lock. How could these wastes affect Lake Michigan or don't you think they could?

MR. PEMBERTON: Only under exceptional circumstances.

MR. KLASSEN: Like what?

MR. PEMBERTON: Like if the--

MR. KLASSEN: Going up over the dam?

MR. PEMBERTON: If the locks were opened to permit flow from the Calumet River to go to the lake, if the lock gates were opened. In a flood condition where you have a higher water surface elevation in the vicinity of the Interlake plant than you do at the lake.

MR. KLASSEN: Do you know, and again asking for information, when was the last time this has occurred?

MR. PEMBERTON: I couldn't say when the last time was it occurred.

MR. KLASSEN: Has it occurred since the O'Brien Locks went into operation, which was a recommendation of this Conference? I don't know. I am asking for information.

MR. STEIN: Maybe we can--

MR. PEMBERTON: I don't know either.

MR. STEIN: Perhaps we can get that. I know the Sanitary District and the Chicago Water Department are pretty expert on that hydrology.

Does anyone from the district, Mr. Vaughn or anyone here, have any information on that, on the flow since the O'Brien Lock went in of the frequency of the flow to the lake?

MR. VAUGHN: We made a report to certain departments, remembering the discussion in my paper on the 11th and 12th, that it had been observed flowing to the lake. Well, we sampled the river at the 92nd Street Bridge once a week and I tabulated 47 observations. That test was rather crude, throwing a block of wood on the water and observing which way it drifted. The river flowed to the lake on 29 of the 47 weekly observations.

MR. KLASSEN: This is based on a block of wood?

MR. VAUGHN: Yes. Not a very good test, but that is what we used.

MR. KLASSEN: What were the wind directions at those times? I would want to know that before

I would accept that as any scientific indication.

MR. VAUGHN: As I say, it was a very crude test.

MR. PEMBERTON: I would like to point out that this could also happen without the O'Brien Lock gates being opened.

MR. STEIN: Dr. Stein, did you want to make a comment?

DR. STEIN: I was just going to agree with the statement that these studies were lakeside of the O'Brien Lock. Obviously water can't come up over the dam and reach--

MR. STEIN: Now, Mr. Klassen raised that question--I take it no one really has the information since the O'Brien Locks came in how much water will go in and out--of how many times or how frequently the water went the other way.

MR. KLASSEN: This location, Mr. Chairman--I think this is significant--

MR. STEIN: Yes.

MR. KLASSEN: --this location is below the O'Brien Locks, so we are talking about a flow from a

AFTERNOON SESSION

(1:15 p.m.)

MR. STEIN: We will reconvene.

Mr. Pemberton, where were you, with the Chicago blast furnace?

MR. PEMBERTON: Right.

MR. STEIN: Would you continue?

MR. PEMBERTON: The second plant of Interlake Steel, visited on January 17th, was the blast furnace plant.

The company has a completely closed system for blast furnace washer water under construction and is planned to be on line by about September 25, 1969, for continual tie-ins.

Also under construction is a secondary thickener at the sinter plant, which will be on line at the same time, September 25, 1969.

They have completed--

MR. STEIN: In other words, we get a year extension on this as indicated, is that correct?

MR. PEMBERTON: No, September 25th, about nine months.

MR. STEIN: September on both?

MR. PEMBERTON: Yes.

MR. STEIN: Is there any reason for this, do you know, why they need this extra time?

MR. PEMBERTON: The company expressed the opinion that there had been delays caused by uncertainty of what standards to meet and certain confusion between the authority that they were to report to, whether the State of Illinois or MSD, and that on account of this engineering and design was held up at least a year.

MR. EGAN: I would like to hear that again. What did you say? What was that last?

MR. PEMBERTON: Beg your pardon?

MR. EGAN: What was the answer?

MR. STEIN: Would you repeat that?

MR. PEMBERTON: Company spokesmen stated that there had been delays caused by uncertainty of what standards to meet and some controversy or confusion between which authority they were responsible to, whether the State of Illinois or the Metropolitan Sanitary District. As a consequence, engineering and design was held up at least a year.

MR. STEIN: Any comment?

MR. EGAN: I certainly don't agree with that.

MR. PEMBERTON: In addition--

MR. STEIN: You know, I sometimes wonder how any company or any city ever built a plant before we had these standards.

MR. PEMBERTON: There is an additional delay in obtaining a landfill permit from the Corps of Engineers. This is delaying installation of--no, not at this plant, though. That is clarifiers at another plant. Excuse me.

MR. STEIN: You know, we have a few companies in this country that build plants where they feel they can meet most standards and they are doing a good job.

But I think the point is well taken that if you are going to have an industrial plant and the primary responsibility for cleaning up the wastes rests with the people who are creating the wastes, whether they are a city or an industry, this notion of having to wait for standards, of pointing to a controversy about standards and not being sure of jurisdictions, may ring a little hollow. In our country there are several corporations, municipalities and many of those represented here who are putting in new plants and they all know what to do. I am sure that any of the companies or any of the cities know what has to be done possibly as well as we do. I don't know whether the implication on the standards is you are going to make it as bad as the standards permit or maybe you are going to do the best you can and do a little better.

DR. BORUFF: Mr. Chairman.

MR. STEIN: Yes.

DR. BORUFF: As industry member of the Illinois State Sanitary Water Board I have got to disagree with you intensely. Industry must know its target before it shoots--are you shooting for bad water or are you shooting for just unpolluted water. And it is that last cleanup, the last percentage of cleanup, that usually is the most expensive. So to keep this thing practical and feasible--and I, like you, don't like either one of these words --the standards must be available and you must have a target to shoot at before you start.

MR. STEIN: But the target doesn't necessarily, Dr. Boruff, have to be established by some governmental agency. I think the record indicates that long before we had standards you were doing a tolerably good job at, say, the Hiram Walker plant in Peoria, and I never knew for you to come to the Federal Government, the State or anyone else necessarily when you were designing that plant to ask what we were doing. You made a good judgment on what those waters were going to be used for and when you put in your system you were years ahead of all of us. I think you showed us the way. The more we get industry to do that without waiting, it seems to me the better off we are going to be.

DR. BORUFF: Fortunately, Mr. Chairman--thank you for the compliment--but in that case the more we took out of the wastes and put into the feed the more profit we made. (Laughter.) Now, that is not the case in most cases, so there is considerable difference here.

MR. EGAN: Did you mean that it is a matter of how much profit you are going to make and not paying any attention to standards or polluted water or clean water? Is that what you are saying?

DR. BORUFF: No, that is not what I am saying. I am saying that--

MR. EGAN: Well, it sounded that way to me.

DR. BORUFF: Well, I sure didn't mean it that way. In other words, if there were suspended solids left in the wastes, then the distilling industry was losing feed on which they would make a profit. So it was to the industry's and the company's advantage dollars and centswise to come up with a very clean final waste to the river.

MR. STEIN: Here I will be specific. That may have been one case. However, again we can point out we found two companies in the country--Chrysler Corporation and Alcoa--that seem to do a reasonably good job and go ahead of what we ask for whenever they put in a plant. For example, when we were in Clinton, Iowa--and there was a case that Mr. Klassen was in--we finally wound up with primary treatment. But when we got out there, we discovered that Alcoa had already put in secondary treatment without waiting for us. They may be ahead of us now. If more of the industries would do this and not be ready to scrape the bottom, I think we would be better off.

And when you deal with your products,such as your feed, I know that you put out the best product you possibly can. You don't put out the minimum that the public will tolerate. And if more industry would do that with the wastes, we would be further ahead.

DR. BORUFF: Again the better your product the better your profits to the stockholders.

MR. STEIN: That is right. It comes both ways, though. When you talk about a product, and the basic raw material in these industries is water, the better you turn it back the better you are going to be in the long run and the better a good neighbor you are going to be and the better relationships you are going to have. I would not be surprised with that attitude that the profits will be better all around, too.

MR. KLASSEN: Mr. Chairman, lest you get the idea that Hiram Walker started this all on their own (laughter), when they came into Illinois they did not have a feed mill; they were putting everything in the Illinois River. It was due to pressures, and I mean pressures, by the Illinois Sanitary Water Board that they hired a then young chemist to devise ways, and we said sometimes, and we still say this, sometimes it is cheaper to hire somebody to study than to do a job.

This person in solving a waste treatment problem developed this feed mill, feed recovery, and this was an incentive. It was at the insistence and setting standards on the Illinois River for them to shoot at that finally pushed Hiram Walker into cleaning this up and making some money.

The young chemist happens to have a few years on him. He is sitting next to me.

DR. BORUFF: Mr. Chairman, I think we are making entirely too much out of this.

MR. STEIN: Yes.

DR. BORUFF: My whole point was that industry prefers standards to shoot at before they build treatment facilities.

MR. STEIN: Right. I think we can agree with that.

Can we go to the Chicago coke oven plant?

MR. PEMBERTON: Yes, the third plant of Interlake Steel Corporation which was visited January 17th was the coke oven plant. At the coke oven plant they are constructing a closed recirculating system for the quenching and gas cooling systems with complete recovery of all by-products where technically feasible, residue, solids, cyanides and phenols to be treated and discharged to MSD sanitary sewerage system, with a completion date given of February 28, 1969.

MR. STEIN: Why the delay here? If they are going to put it all into the MSD, they couldn't have been worried about standards in this case.

MR. PEMBERTON: This amounts to a two-month delay.

MR. STEIN: Yes, it amounts to a two-month delay, but why?

MR. PEMBERTON: I can't tell you.

MR. STEIN: All right. Any other question? If not, let's go to Republic Steel.

MR. PEMBERTON: Republic Steel plant in Illinois was visited January 20th.

Republic uses about 60 to 70 million gallons a day water from the Calumet River, sometimes more, and about 2 to 3 million gallons a day from the Chicago Water Department. It discharges sanitary wastes to the Metropolitan Sanitary District, ammonia still wastes to the Metropolitan Sanitary District, process and cooling water to Calumet River, acid pickling waste is hauled away by scavenger, acid pickling rinse water to Calumet River, blowdown from 14-inch mill recirculating system to Squaw Creek.

They have installed some facilities since the first meeting of the Conference:

New 14-inch bar mill with the closed water recirculating system except for the blowdown I just mentioned.

Mechanical descaling methods to reduce the acid use in pickling.

Provision to discharge flow from present blast furnace gas wash water clarifier to a settling pond at the ore dock in emergency periods.

Water recirculating in the blast furnace, coke plant, open hearth, bar mill reheat furnace, and blooming mill area with a cooling water system. Plant circulates about 150 million gallons per day and intakes about 70 million gallons per day, so this is a partial recirculation system.

Baffles that contain oil and oil skimmer. Baffle installed and the skimmer ordered to reduce pollution from oil spills in the river.

Measures still to construct are two terminal plants, and these treat largely wastes from old existing parts of the plant. The company has submitted completion dates to MSD which have not yet been approved and the date for the two terminal treatment plants is December 31, 1970.

Here again it was reported to us that considerable confusion had occurred because of the, in this case, three regulatory jurisdictions, enforcement conference, Sanitary District and the State of Illinois. The company has not clearly understood, according to them, what is required of them, who they have to answer to. This has been responsible for at least some of the delay.

MR. STEIN: Do I understand that with an additional two years all their waste will be satisfactorily treated in the opinion of the investigatory team if the schedule is followed out that they submit?

MR. PEMBERTON: I didn't give an opinion as to whether all their wastes would be satisfactorily treated.

MR. STEIN: I know you didn't. That is why I asked the question.

MR. PEMBERTON: The investigatory team set out to assist the progress of the completion and the conclusion is that completion is two years behind schedule, behind the Conference schedule.

MR. STEIN: Well, does this differ much from your reports you have given on the other plants?

MR. PEMBERTON: Not a great deal, no, sir

MR. STEIN: In other words, plants are running from six months to a year, to a year and a half to two years behind schedule?

MR. PEMBERTON: Yes, sir.

MR. STEIN: All right. This is what a lot of people feel and I certainly feel myself--so I don't think I am just speaking for myself, Mr. Pemberton--that the question is how much has been done and when this is completed will everything be done that has to be reasonably done. This is the kind of evaluation we have to make. In other words, it is one thing if a plant, say, is taking care of 80 or 90 percent of its wastes now and has another year to go for another 20 or 10 percent of the wastes,or,when they are going to be completed, whether they will have done the complete job. This is a key question in all these cases that I think we have to look at. Maybe when Republic makes its statement it can indicate what the effect of this program is going to be and what it is going to do if you don't have that.

MR. PEMBERTON: We furnished Mr. Poston some opinions as to what we think about the programs that are under construction.

MR. STEIN: How about furnishing it to the Conferees, is that agreeable?

MR. POSTON: Well, I think, Mr. Stein, that each individual member of this team who represented a specific State agency, pollution agency, or a Conferee did make reports to the Conferee, to his Conferee.

MR. STEIN: Yes. But I have consistently asked Mr. Pemberton for his opinion and I have had a very difficult time adducing it, in any case, and I can't get it here.. If he made the report to you, do you have it or does he have it?

MR. POSTON: I think that in the case of Republic Steel they have terminal treatment plants 1 and 2 and 3, and it is my understanding that these are primarily to treat the wastes as they occurred in 1965 and that the treatment works that they have are for newer facilities. Is this correct?

MR. STEIN: What was the answer?

MR. POSTON: Mr. Pemberton?

I think that there has been no approval

of the plans for the treatment at Republic Steel or no acceptance of plans for treatment by Republic Steel on their terminal plants 1 and 2 by the Sanitary District at this moment, and, therefore, to me they haven't moved ahead.

MR. STEIN: In other words, you are saying that the plans that they have put in, you have no idea whether that is going to do the job or not?

MR. POSTON: That is correct.

MR. STEIN: And have we looked at this after the inspection? We have no judgment? In other words, you did not get a report from our investigator representing the Federal Water Pollution Control Administration whether the program that they had proposed by December 31, 1970, was going to abate the pollution so as to comply with the requirements of the Conferees?

MR. POSTON: Well, in this particular case, Mr. Chairman, these plans have been at the Sanitary District. They have not seen fit to accept them, and for us to go and make a judgment that a set of plans we can look at in a period of less than a day and say they are going to meet the criteria, it just isn't in the cards.

MR. STEIN: All right. Are there any other comments or questions?

MR. POSTON: It seems to me that someone who doesn't even have their plans accepted for the abatement of pollution really is ignoring this Conference entirely.

MR. EGAN: Mr. Chairman, I would suggest that this matter be referred to the Secretary of the Interior for action so there wouldn't be any doubt as to who has jurisdiction and as to the end point for compliance.

MR. STEIN: I think maybe we will put that up to the Conferees. But I think perhaps when this is completed we should hear from Republic Steel first, before we go on with that, to hear what they have to say. And while I think from the Federal point of view and the State and the District point of view the question of jurisdiction, of course, is an important one, the key point is whether any source is polluting or not.

Now, clearly the jurisdiction lies either within the Federal Government, the Sanitary District or the State. The notion to impale ourselves, if we are talking about this total picture on the jurisdictional question of whether someone falls within the crack of one jurisdiction or another, is not what we are trying to do. Very possibly Republic Steel is not trying to do that either. The question is to clean up these waters

I think we will certainly consider that motion. But let us hear, when we get through with this, from Republic and I think we may want to hear from U.S. Steel, too.

Is that all we have on this?

MR. PEMBERTON: Yes, sir.

MR. STEIN: We have some others. Do you briefly want to go over the other industries? I have a slip or do you want me to read these and see if they are correct? How do you want to handle that?

MR. PEMBERTON: I have no information on those.

MR. POSTON: That concludes the list of industries in which inspections were made.

MR. STEIN: Right.

MR. EGAN: Before we conclude it, I would like to recall Dr. Stein. I think he should come up here and clear up a point or two as far as pollution at the South Works is concerned.

Dr. Stein.

DR. STEIN: During the recess I learned to my amazement that my statement concerning the pollution of Lake Michigan in connection with U. S. Steel South Works was not clearly understood, and I would like to take this opportunity to clarify that statement.

I stated that based on the Federal Conference criteria and Federal Conference control points there were no violations. Nowhere did I say that the effluent from U. S. Steel South Works and from their discharge lines to the lake were free from pollution. It is my position that at their outfalls they are polluting the lake and are in violation of the MSD and SWB-15 standards that pertain to that area.

That is the end of my statement, Mr. Chairman.

MR. STEIN: Thank you. Are there any comments or questions?

If not, let me just go over this information I have to round out the picture. This is beyond dealing with the plants that are not within the province of the inspection group.

I am talking about Indiana industries. Adolph Plating, as was indicated in the last session of the Conference, is not in compliance. Indiana is taking enforcement action under its own statute. If that is incorrect, let me know.

American Maize Products will have a settling tank due in 1969. Do you know when in 1969, Mr. Miller? Are they in substantial compliance or is this a big item?

Maybe we can go on.

MR. POOLE: Let me add on Adolph Plating, the attorney general has filed a suit since we were here in December.

MR. MILLER: Mr. Chairman, on American Maize, they have a settling tank, but it involves wastes that are going to the municipal sewer system and it doesn't involve a change insofar as discharge to Lake Michigan is concerned. And this is to be completed in the first quarter of 1969.

MR. STEIN: So American Maize, as far as this case is concerned, is in compliance?

MR. MILLER: It is in substantial compliance, yes.

MR. STEIN: All right.

Now, Lever Brothers Company, the note I have, recovery still to be installed first quarter of 1969. Are they in compliance or not?

MR. MILLER: I learned yesterday some equipment had been completed at that plant, and it is going to take some analytical work and sampling to determine this. But we considered them when we reported in December as in substantial compliance as far as the state line was concerned.

MR. STEIN: How about Steiner Tissue Division, pretreatment facilities and sewer connection due 3-1-69, are they contributing to the pollution yet?

MR. MILLER: They are contributing to pollution and this one was involved because of non-delivery or failure to get delivery when expected on pumps to make a connection to the Gary sanitary district sewer system.

MR. STEIN: Really that is a two-month extension because of lack of delivery?

MR. MILLER: Right.

MR. STEIN: All right.

Now, I have a list, and let me read you

the operations, because I don't think we should get the wrong view here because of the complexities of the problem with the steel industry. That is what we have been doing. That is all we are dealing with here is the list.

American Oil, Cities Service, Mobil Oil, Sinclair Refining and Union Carbide. The note I have is that Indiana may be requiring additional treatment. Is this so?

MR. POOLE: Yes, at least on two of them that are being developed, that is Sinclair and American Oil. That is in our December report.

MR. STEIN: Yes. What would you consider the compliance status of all of these five oil companies? Would you consider they are in compliance now or need additional work?

MR. POOLE: No, we consider that they are in substantial compliance now with the commitments that were made at the onset of the Conference.

MR. STEIN: All right.

Illinois industries. The note I have, Mr. Klassen, is American Agricultural Chemical, compliance expected by March 1969. Is that correct? They are not in compliance now.

MR. KLASSEN: That is correct.

MR. STEIN: And that is what, two or three months extension, in other words?

MR. KLASSEN: Right.

MR. STEIN: All right. Midwest Forging and Manufacturing Company. The note I have, oil separation problem. Does that exist? It is an operational problem?

MR. KLASSEN: It is an operational problem.

MR. STEIN: Is the solution in sight?

MR. KLASSEN: Yes. It is ironing out some of their operation problems.

MR. STEIN: Oh, all right. When do you expect that they will have this licked, just approximately?

MR. KLASSEN: Approximately the same time, sometime early this spring, three months.

MR. STEIN: All right.

State Street Ditch, the Stauffer Chemical and Calumet Steel not in compliance, expected by July 1969.

MR. KLASSEN: That is right. Those two

industries are discharging all of their sanitary wastes to the Bloom Township sanitary district. They have facilities and equipment now under construction to discharge all of their industrial waste to the Bloom Township sanitary district plant which is now under construction for enlargement.and with the completion of this plant--incidentally, with a Federal grant--with the completion of this plant these wastes then will be diverted to the new plant and completion of this plant is expected on that date.

MR. STEIN: Right.

MR. POSTON: On what date was that?

MR. STEIN: July 1969.

MR. KLASSEN: July 1969.

MR. STEIN: The other note I have, and I don't know whether there is to be any inquiry of this, but our staff again advises that most of the Illinois industries were reported in compliance in December and that with the industries under the jurisdiction of the MSD we do not have this detailed information--again this is an old story, Mr. President; I don't know who has it--to put this out, and they may be or may not be in compliance. Either the detailed information comes up or I guess we are going to have to pursue this painstaking operation of visits and inspections until we can write them all off, but I know of no other way of doing it.

The other industries which were indicated very well may be in compliance, but I think our staff reports that **we have** do not have the detail to sign off on those yet.

MR. EGAN: Dr. Stein, will you answer that?

DR. STEIN: I would like to know specifically what industries you are talking about, Mr. Chairman.

MR. STEIN: Well, there was a large list. I wonder if we can call Mr. Bowden and he can indicate the industries. I think the general manager of the Sanitary District had a list of the industries that he went down in the last Conference.

Is Mr. Bowden here? Do you have that?

MR. BOWDEN: I don't have the list here. Maybe some other Federal people have that list.

MR. STEIN: All right, let us go on, but we will supply the list for the record.

By the way, I would hope we do not have a substantive problem here. I think this is largely a procedural one where we would have to get the notion of getting a staff writeoff on that where they say they have an O. K.

Do you want to--

MR. POSTON: This is the list.

MR. STEIN: It is quite a large list, and I think we can give it to you and you can look at it, we can put it in the record. It looks like about 20 or 25 industries. But I think this may be a staff problem in the cleanup, because I am not raising the issue that they are not in compliance or the district has not done a job. In one case where I was out at the Ford plant there certainly was evidence that the district inspectors and district officials and Dr. Stein and the staff were right on the ball and the industry was complying. I think the problem we have had here and our staff has had is the notion that we have not had the detail on this where they could make the judgment, and if we get it I think we will be in shape.

Are there any other things you wanted to do from the inspection team, Mr. Poston?

MR. POSTON: I think not.

I did want to say that the inspection team was given free access, for the most part, and there was evidence, at least at the beginning, that there was a lot of concern for cleaning up the works. There is a question in my mind of priorities, what kind of priorities are placed on these cleanup jobs. I see a plant such as Republic that comes forth now and doesn't even have an approved plan and then they want three years extension. This is very difficult. On the contrary, I know that we have some of the other places that are showing a great deal of effort at the time of this inspection that early in the period were not as active as they are at the time of this inspection.

I am disturbed with dates such as 1972 to complete the works. That is an additional three years. It is just hard for me to see how I could go ahead--

MR. STEIN: I think before we make any judgment, the thing we should do is give Republic and U. S. Steel an opportunity to clear up some of these matters and make their own presentation, because we have to get all the facts and all the views in.

I wonder if we can call on the

representative from Republic Steel now.

(The above-mentioned list follows.)

STATEMENT OF HENRY L. PITTS
REPUBLIC STEEL CORPORATION,
CHICAGO, ILLINOIS

MR. PITTS: Mr. Chairman.

MR. STEIN: Do you want to introduce yourself first?

MR. PITTS: I will.

Members of the Conference. My name is Henry L. Pitts of Chicago. I am here on behalf of Republic Steel Corporation. Mr. L. F. Birkel, who is the Supervisor of Water Management for Republic Steel Corporation, and Mr. John Kinney, a consultant with Republic Steel on water pollution matters, are likewise here. Mr. Birkel has a written statement with respect to their program which he would like the privilege of presenting to the Conference in just a few minutes. It is not long. It will be refreshing because it is in large measure a statement of facts. And then the authorities will have to draw their conclusions from the facts with respect to what Republic has done, what it is now doing and what it proposes to do.

But before Mr. Birkel presents his factual statement, I would like to suggest that there are two or three questions which deserve some clarification for the purpose of aiding industries, municipalities and others who are being controlled, to ascertain what it is they are supposed to be doing and when and to whom do they answer.

There has been a good deal of discussion about deadlines, and a moment ago somebody said, I believe one of the Conferees, that Republic, maybe others, are requesting an extension of two years of a deadline; and one of the Conferees, in ex parte statements to the press, has also made the assertion that Republic has not met the deadline set by this Conference. Now, I think that it is about time that we get some understanding of the facts with respect to what deadlines we are talking about and who set them.

For just a moment review, this Conference was convened in March of 1965. It then appointed a Technical Committee to make recommendations. The Technical Committee had many meetings and they ultimately came up with some schedules and criteria that were presented to the Conferees in an executive session in January and February of 1966, and it was at that time for the first time that there was any discussion or any attempt by this Conference to set any construction schedules or deadlines and to establish water quality or stream criteria.

That was done in February, then, of 1966, and at that time the Conference adopted a time schedule for the construction of facilities. It called for the presentation of preliminary plans by the end of 1966, final plans in June 1967, and construction to be completed substantially by December 31, 1968, but with the further provision that in a few industries some variation from this schedule may be sought from the appropriate State and local pollution control agencies.

At that same Conference, for the first time, were construction schedules set and they were set for specific stretches of the rivers and of the lakefront, and at that time there was no construction schedule and no criteria set for the Calumet River. We don't have to argue about that. You can get the January 14, 1966, report and you can tell from that that you established water quality or stream criteria for certain stretches of streams. There was one, I believe, for the Little Calumet River, there was one for the Grand Calumet River, and there was one for the lakefront area. There was none set for the Calumet River.

Now, I am not going to get into this shadowboxing about whether or not the Calumet River industries are under the jurisdiction of this Conference. The question is has this Conference set any construction schedules for industries on the Calumet River, and I submit that the record is clear on that question. This Conference has never set any construction schedules for industries on the Calumet River as distinguished from the Little Calumet and the others that I mentioned. And there is no question about that, because this Conference reconvened on March 15th of 1967, at which time they were getting a progress report. At that time the Sanitary District, Mr. Bacon, made an extensive statement about progress, and he said, as I recall it--and I have got the transcript here if anybody is interested in looking at it--that there had been no standards set by this Conference for the Calumet River.

Mr. Egan, one of the Conferees of this Conference, made exactly the same statement at that time to this Conference. He said, and I will quote it, "The Calumet River between its mouth at Lake Michigan and O'Brien Lock was not made a part of the Federal Conference as far as water quality criteria are concerned." There was no denial of that, no discussion of it at that time so far as the record in the transcript shows. Everyone understood it.

About that same time, in March of 1967, the Sanitary District proposed to hold hearings for the purpose of setting water quality standards for the Calumet River, but there was a confusion over the jurisdiction within the State of Illinois as to whether it should be done by the Sanitary District or by the Sanitary Water Board. That was resolved in June by emergency legislation of the Illinois Legislature, which conferred upon the Sanitary Water Board the jurisdiction to establish water quality standards within the territorial limits of the Sanitary District. This was done in late June 1967.

A few days later the Illinois Sanitary Water Board did set standards for the Calumet River, but they had to be submitted under Federal law to the Secretary of the Interior. The Sanitary Water Board presented its proposal for the Calumet River standards to the Secretary of the Interior on June 28, I believe it was, of 1967. About seven months later the Secretary acted on those standards proposed for Illinois water quality standards within the Calumet River and it was not until the end of January of last year, 1968, that the Secretary of the Interior approved the proposed standards for the Calumet River for the State and the Federal Government authorities.

Thereafter, in accordance with the Federal law, the Sanitary Water Board reissued its tentative rules and standards, as they are required to do by law, so that for the first time, April 1st of 1968, Illinois had finally approved its water quality standards for the Calumet River. The Federal people did not do it, as I said, until about the first of February of 1968. That means that there were no standards, there was no construction deadline except that provided in the Sanitary Water Board's regulation that was finally approved by the Secretary of the Interior and that was only in the first half of last year, 1968.

I think that it is manifestly absurd for there being suggestions that this Conference is being flaunted, or ignored is the term used, by Republic or any other industry along the Calumet River for having failed to meet deadlines for construction schedules which this Conference has not yet set for the Calumet River, and it is not only absurd, I submit that when statements are made to the press and others that this company or that company has not met a deadline which this Conference hasn't set that that borders on the irresponsible, and I submit that it does a grave injustice to the industries involved.

And now if you will permit me, I would like to present Mr. Birkel, who will give you the facts about what Republic has been doing in order to try to participate as a good citizen in the cleanup in this area.

MR. STEIN: Mr. Pitts, do you want to hold yourself open for questions now?

MR. PITTS: Yes, sir.

MR. STEIN: Are there any comments or questions?

MR. PITTS: I will be glad to do anything. I think if you got the factual statement about what they have done, it might be helpful.

MR. STEIN: I think there may be a substantive question. I just want to raise the question with you here.

The notion that a deadline was not set for the Calumet River or the deadline set for the other industries does not apply to the Calumet River, I take it, from your point of view, exists because the standards were set for the other river and not for the Calumet; and if this is your view, that is it. But maybe you think that makes the record very clear on that point.

MR. PITTS: I don't think there is any ground for argument about that. The construction schedule grew out of the Technical Session in January of 1966, and that same report upon which the construction schedule is based was very specific. It expressly established water quality criteria for all types of constituents and also adopted a time schedule for the construction of facilities, and there was none established for the Calumet River. They have got it divided into sections. There is the open waters of the lake; there is the Calumet Harbor Basin, another set for them, for that area; there is another set for the Little Calumet

River; there is another set for the Grand Calumet River; there is one set for Wolf Lake. I submit that when you are requesting an industry to build construction facilities which cost millions of dollars and which they have to plan and design, the first thing that their consultants and engineers ask is what standards are we designing to meet? And when you don't know what standards you are designing to meet, it is a little difficult to get the engineers that are going to do the building for you to come up with the plans that they must have.

That doesn't mean that the industry in this case has done nothing because of the confusion in this Conference, but they have done something. I would like to have Mr. Birkel have an opportunity to tell you that.

MR. STEIN: Mr. Poole wants to say something.

MR. POOLE: I just want to get a comment into the record.

First, I want to correct you, Mr. Pitts, on a little bit of it. The standards that were adopted by the Conferees in 1966 for the Little Calumet and the

Grand Calumet River deal only with those portions of the rivers that flow westward into Illinois.

The part I want to get into the record then is that neither did the Conferees adopt any standards or any timetables for the Grand Calumet River that originates east of Gary and outlets into Lake Michigan through the Indiana Harbor Ship Canal, nor did they adopt any criteria for the Indiana Harbor Ship Canal. Now, apparently, there is a major difference here in that the State of Indiana assumes that the contributors on those bodies of water were within the Conference area and we went back home and started working with them on the basis of the deadlines.

I want the record to show that the situation, as far as the Conferees are concerned, with the Grand Calumet River to the east of the Indiana Harbor Ship Canal and the Indiana Harbor Ship Canal is identical to the situation you have outlined for the Calumet River.

MR. PITTS: The only thing I can respond, Mr. Poole, to that is that in the report of the Conferees, the Technical Session, and the report, I think, of January 14, 1966, states in these various areas in a separate section for each one of these stretches of the streams that I have talked about and they did establish, I thought, criteria for the streams in those areas in part and they established a construction deadline schedule. That is all I am saying, is that they did not purport at that time to establish one for industries along the Calumet River and I don't think there can be any dispute about that.

MR. STEIN: Before you go, Mr. Poston, the problem that we have, Mr. Pitts, is this, and without prejudging this operation. The difficulty is that we have a view of people on the other side who think that deadlines were established for the entire area and it is so clear there can be no dispute over that. Now, the point is if you think they weren't and there can be no dispute, I am afraid when we have those two points of view we very well may have a dispute or an argument without taking the issue on each one.

Now, as far as I look at the record, I have never heard the Conferees indicate that because a time--by the way, the Technical Committee does not establish the time schedules. They just make recommendations and the Conferees did that and the Secretary approved it.

No one is disputing, as far as I can see, among the Conferees that this applied to the Calumet River. The only issue we had was a technical representative of the Sanitary District who repeatedly came up here in testimony and talked in terms of jurisdiction that it did not apply. But we didn't hear from the industry that it did not apply to them and I never heard that from the Conferees--that it did not apply to them.

I am not arguing, I am not judging the issue, but there are clearly two points of view. Let's look at this dispassionately if we are going to work our way through it.

For example, Mr. Poole based his whole program on the notion that these dates applied to the whole area whether the standards were set or not. As a matter of fact,he may not have agreed with the dates, as he pointed out a year or so ago, because he held repeated hearings with his industry and negotiations to try to modify those dates and extend it. But what he did was recognize that the dates applied. I think this was the notion of several of the other people.

The point is, your view is, on the record you think it did not apply. The problem that I have as Chairman is if we get two people or two groups coming out with completely divergent views, each saying it is abundantly clear that their view is supported by the record, we may have a slight problem.

MR. PITTS: I don't really think there is any dispute among the Conferees with respect to that, because in March 1967, at your reevaluation or status conference, one of the Conferees, as well as Mr. Bacon, made it clear that it was their understanding that no water quality criteria had been established for the Calumet River and there is no one on this Conference that gainsaid that.

MR. STEIN: Sir, we are getting to the same point. To equate water quality standards and the setting of those with the application of the deadline is the big jump. Once you do that, then you have solved your problem as far as your argument or your point of view is concerned.

MR. PITTS: But you see, Mr.--

MR. STEIN: The other point of view is that the dates applied to the waters even though specific standards weren't set for those waters.

MR. PITTS: Let's assume for the moment that that is the fact, Mr. Stein. You still have the problem in the case of the Calumet River of determining where you are measuring, because when you talked about these other areas, for example, the inner harbor of Calumet, you established the control points where you were going to measure, and I believe that they were at the breakwater at the state line and also at the Hammond intake. That is the place that you were supposed to be measuring in order to determine whether you are in compliance with the Federal requirements on the inner harbor.

Now, you did not set any standards for the Calumet River and thus you did not set any control points, so how do you know even yet whether--assuming that the standards for water quality that you established for the lake are applicable to the Calumet River, you still don't have any knowledge of whether or not at the control points, wherever they may be, that anybody is in violation of them.

MR. STEIN: Do you mean to say that you put in applications for a completion of your work by

December 31, 1970, and Republic is going to take a chance that they may get those approved and spend all the money and really not know where the Federal control points may be and may be in violation?

MR. PITTS: We don't have any Federal control points and we don't have any Federal schedule. We have only that established by the Sanitary Water Board, which we are going to be in compliance with.

MR. STEIN: In other words, you do have control points. Because why are you asking for these applications and if they are approved spend all this money? What are you building against?

MR. PITTS: Mr. Stein, which way do you want it?

MR. STEIN: No, I just said--

MR. PITTS: You criticized the companies--

MR. STEIN: I am not criticizing.

MR. PITTS: --because they don't build and now when they are going to go ahead and build because they think they have got some standards set by the State of Illinois, not by this Conference, then you ask us why are we going to go ahead to build.

MR. STEIN: No, I am not critizing the

company at all and I want to make this very clear. I think the company does what they think is right and given the statements that have been made, not by the Conferees but by people who testified before, I am not sure that you would not have some justification for adopting the point of view that you have adopted.

The point is, though, I really do think, that whatever anyone said testifying before this Conference was not necessarily agreed to by the Conferees. And I think this is the part we have to work out with you.

Now, I would hope, sir, that we can work this question out without getting into jurisdictional points, as you pointed out, or shadowbox around that. In other words, if you put up a remedial system which is satisfactory to the sanitary district, and we have heard their competent staff here give the statements today and we have seen their work, which is satisfactory to them, that that would be in turn satisfactory to the State and satisfactory to the Federal Government, and if we did have a problem among the governmental agencies this will be a sorry day. So I do not think when you have to talk in terms of pollution control that you have to talk in terms of satisfying one of the jurisdictions and not the other. If you do the job, we are all going to be happy.

But I do think that it would be most productive here if we could come to a clear understanding of, 1) when the job is going to be done, and 2) if it is going to be done whether the work will be satisfactory. Now, I tried to get that--

MR. PITTS: That is what Mr. Birkel is going to address himself to.

MR. STEIN: Right.

Mr. Poston, do you have a comment?

MR. POSTON: Well, I was going to comment to the effect that this whole Conference is a procedure which was intended to eliminate any need for court action. In other words, reasonable people would determine whether there is pollution from one State that affects the other State and what these sources of pollution were and develop a schedule for the abatement, and this was done. It was decided that there was pollution from Indiana that affected Illinois and that there was pollution from Illinois that affected Indiana. And the list of those who contributed to this pollution was laid out well by the Conferees.

Then a schedule was set and the determination of standards was set and it was expected then that the reasonable people would go about cleaning up their share of that waste.

It looks to me like we have a case of misunderstanding here of some kind. There is just plain no one cleaned up.

MR. PITTS: It is not a question of not wanting to clean up, Mr. Poston. We are trying to comply with the various control agencies and also to take steps on our own to clean up the rivers the same as we hope municipalities and others are attempting to do. But all I am suggesting is that when you make statements to the press that Republic Steel or some other company is ignoring the orders of this Conference or that we are not meeting a deadline when there has been no deadline established, I think that you owe these companies a public retraction.

MR. STEIN: Mr. Egan.

MR. EGAN: Mr. Chairman.

MR. STEIN: Mr. Pitts, would you wait.

MR. EGAN: On August 18, 1965, the

Metropolitan Sanitary District directed Republic Steel Company to construct facilities to meet FWPCA two-state Conference requirements.

MR. PITTS: Yes.

MR. EGAN: The company proposed a program to comply with the directive. The Metropolitan Sanitary District informed the company on April 10, 1967, that the program was not adequate and that new water criteria were to be adopted by the Metropolitan Sanitary District. That was SWB-15.

On October 13, 1967, the company was informed of need to revise programs to meet the new effluent discharge criteria. The company failed to submit required plans and were called to the first of four show cause hearings on February 16, 1968.

By letter August 18, 1965, Sanitary District President Chesrow directed the Republic Steel Corporation to develop a time schedule for construction of necessary industrial waste treatment facilities to accomplish the following minimum requirements. It goes on with the minimum requirements. So there was no--

MR. STEIN: When were these minimum requirements, in 1965?

MR. EGAN: In 1965.

MR. STEIN: The date. Yes.

MR. PITTS: There is no question, we know about that letter, but we are talking about construction schedules, Mr. Egan. And there was no construction schedule in effect at the time that the Sanitary District sent that letter and the company responded to it, and Mr. Birkel can explain that to you. We were not told that we were not complying with any Federal standards until sometime in 1967, and even then, despite the fact that you may have said that we were complying, the fact was that there were still no standards. The standards came when the Sanitary Water Board established them and submitted them to the Federal Government, which finally approved them some seven months later, in January of 1968.

All I can do is to quote back to you, Mr. Egan, that at this Conference on March 15, 1967, you said, and I quote, "The Calumet River between its mouth at Lake Michigan and O'Brien Lock was not made a part of the Federal Conference as far as water quality criteria are concerned," end of quote.

You then proceeded to hold hearings to

set standards, and then the State of Illinois and the legislature said that you didn t have that power and said it was the Sanitary Water Board that had the jurisdiction and they proceeded to do the same.

All I am saying is that we did not know what the standards were until the Water Board had approval from the Federal Government in January of 1968.

MR. STEIN: Are there any more questions or comments?

Again I think--and I just do this to frame the issue--the question here is when they refer to a time schedule in those letters in 1965 and 1966, what were they referring to other than a construction schedule?

MR. PITTS: Well, in the first one they couldn't have been referring to any time schedule because there wasn't any time schedule by your own standards at that time.

MR. STEIN: You mean they just put it in?

MR. PITTS: The construction schedule did not come, as you know, until January of 1966, so in October of 1965 you couldn't have been talking about a construction schedule.

MR. STEIN: Well, they were asking you to propose a schedule. Then they asked you to complete this and gave a list of specifics.

In other words, what I am saying, sir, and I am very sympathetic with your view, the issue here is that--I am not sure that the record is that abundantly clear, as you may have indicated, that a schedule was not set and some people in good faith did not think the schedule was set. Now, I do know that before this Conference and before the press, too, statements were made by people in authority that this Conference did not have jurisdiction over the Calumet. And I can see where a company like yours may have relied upon that, to think that that wasn't said. But no one, as far as I know, among the Conferees have publicly, privately or to the press said that, and that statement that Mr. Egan made was true, that the criteria weren't set for this, but I think never was it ever said by the Conferees that a time schedule was not set for this.

I can recognize when someone in authority says we don't have jurisdiction that you act on that basis. What I am disturbed about is that the net result of this is we are back to what some people thought were three years later than they thought the job should have been done, and this is not to assess any blame or say you didn't act in a reasonable manner.

MR. PITTS: I think you are being real sure.

MR. STEIN: But I think this may be even without--you referred to recent statements made by one of the Conferees in the press. I think possibly your actions were related to other statements made by other officials, and if this resulted in what some people might consider a three-year delay, I don't know that we have really done the job.

MR.PITTS: Well, I think you will be reassured about what the company has been doing notwithstanding the fact that they had no precise standards or construction schedule that they were attempting to address themselves to.

And one other comment with respect to Mr. Egan. The show cause hearings to which he referred were based upon a claim that Republic Steel was not complying with the Sanitary District's industrial waste ordinances, not that we weren't complying with the Federal

Conference. It was the Sanitary District's industrial waste orders, and that is reasonable, because I think at that time the Sanitary District felt that there were no Federal Conference standards and schedule established for the--

MR. STEIN: Again on that I just have to make a general statement.

Sir, as I pointed out before, I believe that if you comply with the Sanitary District's industrial waste ordinance--and we have President Egan here and Dr. Stein and the staff--if by that compliance you are not complying with State and Federal requirements, then someone in the public agencies must not be doing his job; it is not you. The point is, if you are complying with that situation, except in the most unusual occurrences where you no doubt would have public notice of the difference, we would be entirely in accord and entirely in back of the Metropolitan District's requirements. If we are looking for clean water, we work very closely with the Metropolitan District. Anytime you can be in compliance with their ordinance, you are going to be free as far as the Federal Government is concerned, and I am not willing to speak for the State, but I very much suspect as far as States are concerned, too.

MR. PITTS: I submit we are now talking about something that is not within the ambit of this Federal Conference, namely the Sanitary District's waste ordinances. I don't think that it would be proper for me to make statements about whether we are or are not in compliance with the industrial waste ordinance of the Sanitary District. That is not before this Conference.

I think we are trying to address ourselves to the question of the Federal Conference, the Federal standards, the Federal construction schedule, and that is what I would like to have Mr. Birkel address himself to.

MR. POSTON: I think we are really here to clean up Lake Michigan, that is what we are really here for. And I think that this matter of good faith is real important. We are not policing; we are not getting down there and looking at every detail. We are relying on public faith here. And I just don't think we can have any chance for success unless we can rely on that with this procedure.

MR. STEIN: Yes, Mr. Egan.

MR. EGAN: By letter of February 11, 1966, the Metropolitan Sanitary District transmitted a summary report outlining completion dates established by the Federal Water Pollution Control Administration two-State conference and this was to Republic Steel.

Preliminary engineering plan documents due December 1966, final engineering documents due June 1967; construction completed and facilities in operation by December 1968.

By letter of August 18, 1966, the Metropolitan Sanitary District directed the Republic Steel to furnish a program for control of reported substantial qualities of oil by August 26th. The company was warned that failure to cooperate would result in show cause hearings, those which followed.

MR. STEIN: Do you have any comment or not, sir?

MR. PITTS: Yes, Mr. Birkel, if you give him an opportunity, I think, can give you the facts with respect to it, and then you will have to let the facts speak for themselves.

MR. STEIN: All right. Let me state, before you ask the question that I am looking for, sir, in the face of that letter from the Metropolitan Sanitary District to Republic Steel, if you believed that the construction schedule did not apply to you--and it seems to me that that letter is pretty plain--if you believed it--and we had several sessions of the Conference and the offices of all these public agencies were open--did you ever raise the question and say that this letter didn't apply to you and you didn't have to meet this schedule and the 1968 date did not apply? The floor was open at every Conference and our offices are open all day and our phones are available. I haven't heard this. This is the question.

MR. PITTS: You have first of all a question, Mr. Stein, when you get a letter like that, then the company responds to the one that addressed the letter to him, what standards are you talking about; where are you going to measure, and precisely what water quality criteria are we designed to meet. Now, those questions were raised, and I think Mr. Birkel has some answers for you if you give him a chance.

MR. STEIN: Oh, well, wait. No, that we understand. Now, if we are ready to work on that, then we shifted the ground. In other words, what they did, the ground now is that they did set the 1968 date for Republic Steel, but you had so many questions about that date on standards and criteria that you began asking questions to meet it.

MR. PITTS: That is not correct.

MR. STEIN: It is not clear--in other words, the statement that no date was set at all is another question.

MR. PITTS: No.

MR. STEIN: No?

MR. PITTS: No.

MR. STEIN: Maybe I don't understand it.

MR. PITTS: We did not get any standards set and construction schedules for the Calumet River. Now, that question was made completely plain by the company to the district, and the district came back shortly after that at this Conference and a Conferee said that this Conference hadn't set any schedules for the Calumet River. Now, can we rely upon that?

MR. STEIN: No. Sir, that 12-hour airplane trip I took from Washington to Chicago may have slowed me up (laughter), but let me try this again.

As I listened to Mr. Egan, there seemed to be a clear date for preliminary reports to be submitted and construction to be completed by the end of 1968. In the face of that letter how can we really go--and I would like to know--how can we really go and say that a construction schedule was not set or that the State or that the district did not believe that the Conference construction schedule of the Conference did not apply? Of all the permutations and combinations of all dates available to them, they just happened to pick for Republic Steel the same date that the Conference set. Now, isn't that a bizarre circumstance?

MR. PITTS: Of course not. But anyone can make a statement that the Conference schedule is thus-and-so. Mr. Poston just got through doing it a few days ago and it was totally incorrect.

The fact is that when this Conference reconvened on March 15th of 1967, it was plainly stated by a Conferee--and as I understand it more than one Conferee shares our understanding of the fact that this Conference has not set any construction schedule for the Calumet River--the statement was made that there was none for the Calumet River. The Conference heard it and we assume that you know what you are talking about.

MR. STEIN: Yes. By the way, you said more than one Conferee shares that understanding. Could you name two Conferees?

MR. PITTS: Well, I am going to let the Conferees speak for themselves, sir.

MR. STEIN: Yes. Well, I could take a canvass. I think I have lived with these people--again I am not subscribing to one point or the other--I don't know that I could but if I were to make a guess, I wouldn't say more than one Conferee would share that.

MR. PITTS: I would suggest this, that Mr. Bacon made it perfectly clear at the last meeting that he understood that the--

MR. STEIN: But he isn't a Conferee, sir.

MR. PITTS: But Mr. Egan had said it in March of 1967, and it is my understanding that Mr. Klassen has taken the position that he is the one--the Sanitary Water Board is the first one that has established water quality or stream criteria for the Calumet River.

MR. STEIN: Then, sir, we are getting at this whole last issue. If Mr. Egan talked about the standards it does not mean that he said that there is no time schedule because he read a letter. As I understand Mr. Egan's position, they always felt there was a time schedule. Why would the District have had that 1968 date if it didn't believe there was a time schedule?

I have heard from Mr. Poston and Mr. Poole who were operating on this basis. I am not going to put anyone on the spot, but I can count. As far as I can see, there isn't more than one Conferee that may hold that judgment.

MR. PITTS: All I can suggest to you is that we can't talk about time schedules in a vacuum, Mr. Stein. You have to talk about a time schedule to build facilities to meet certain parameters or criteria. When you don't have a criteria, it is a little difficult to get the engineers to draw the plans to build your facilities.

MR. STEIN: O. K. Again, let me try to narrow the issue. If this is your issue, that the time schedule was set but you didn't agree with the time schedule and you couldn't go along with this because you didn't have specifics and criteria, we have one question. If, on the other hand, we are contending that the Conferees and the district never gave you a time schedule at all, you have another question. As the Chairman, I am just trying, Mr. Pitts, to narrow the issue, so that we get the question to which we are going to address ourselves.

What you have just said is another question and it may be a very pertinent and valid one. But again you make your point.

MR. PITTS: I will try to state it once more, what I think the issue is in this context--whether or not this Conference has set any time schedule for industries on the Calumet River. And I think the record is clear and it speaks for itself that this Conference has not.

MR. STEIN: All right.

Mr. Birkel. Hi, Rube. We are really friends.

STATEMENT OF L. F. BIRKEL
SUPERVISOR OF WATER MANAGEMENT
REPUBLIC STEEL CORPORATION
CHICAGO, ILLINOIS

MR. BIRKEL: My name is L. F. Birkel. I am employed by Republic Steel Corporation as Supervisor of Water Management. On behalf of Republic I would like to briefly discuss the actions taken by Republic to meet water quality requirements which have been established for the Calumet River subsequent to the Federal Conference convened with respect to the Calumet area in March 1965. I believe that a review of the matter will show that Republic has made substantial efforts to comply with the water quality requirements which have been set for the Calumet River.

There has been some discussion as to whether the Calumet River comes under the jurisdiction of the March 1965 Federal Conference. The Calumet River flows away from Lake Michigan and the river has been considered as coming primarily under the jurisdiction of the Metropolitan Sanitary District rather than the Federal Conference. This position appears to be confirmed by items 10, 11 and 12 of the recommendations adopted at the March 1965 Conference. In any event, the March 1965 Conference did not establish any water quality requirements with respect to the Calumet.

Subsequent to the Conference the Metropolitan Sanitary District notified Republic by letter dated August 18, 1965, or five months after the Conference, of certain minimum requirements that its discharges of water to the Calumet River should meet. One of these requirements was an effluent pH range between 5.5-8.5, and Republic promptly hired an outside contractor to make off-site disposal of its spent pickle liquor in order to comply with this requirement. We have been doing this since that time.

Prior to 1965, Republic had invested several million dollars on waste control facilities at the Chicago plant. Some of these programs dated all the way back to 1943, when we began treating coke plant wastes and stopped discharging them into the Calumet River. That year we also installed a large thickener-clarifier for the blast furnace. In more recent years, but long before the 1965 Federal Conference, we began collection, interception and discharge of all sanitary wastes to the sewage treatment plant of the Metropolitan Sanitary District. We also installed oil and scale collection facilities for our primary mills, we started recycling our open hearth furnace cooling water, and we installed large oil and scale removal facilities in the area of our bar mills and eliminated 65 percent of our pickling operations by switching to dry cleaning operations.

With the off-site disposal of spent pickle liquor, together with these programs just outlined, Republic believed it was in substantial compliance with the requirements set forth in the letter of August 18, 1965, from the Metropolitan Sanitary District. In addition, the Sanitary District sampled our outfalls in November 1965 with no indication to us that we were not within compliance with the Sanitary District requirements.

In September 1966 Republic retained an outside engineering firm to make an in-depth study of Republic's Chicago plant with a view to the construction of water treatment facilities which might be called for by any future requirements to be established with respect to the Calumet River.

The next notice to Republic of any requirements to be established for the Calumet River came at the end of June 1967, when the Illinois Sanitary Water Board tentatively adopted Rules and Regulations SWB-15, which included requirements relating to the water quality of the Calumet River. SWB-15 was tentatively adopted by the Illinois Sanitary Water Board on June 28, 1967. It provided for the completion of construction of necessary waste treatment facilities by industries by the end of 1968. Plans and specifications were to be completed 18 months before the date for completion of construction or by July 1, 1967. Consequently, three days after SWB-15 was tentatively adopted, any plant which had not completed its plans and specifications to meet the requirements established by SWB-15 was technically in default.

SWB-15 was approved generally by the U. S. Department of the Interior on January 27, 1968, and was legally enacted by the Illinois Sanitary Water Board in March of 1968, to be effective April 1, 1968. At that time, the date for completion of construction of waste treatment facilities was extended to

September 30, 1969, except for industries with direct discharge to Lake Michigan and subject to the March 1965 Federal Conference. The recent statement of the Metropolitan Sanitary District at the reconvening of the Federal Conference in December 1968, supports and reconfirms their previous position that the companies on the Calumet River do not come under the language "subject to the March 1965 Federal Conference" as used in the foregoing clause.

On June 27, 1968, Republic submitted a program to the Metropolitan Sanitary District proposing the construction of additional wastewater treatment facilities at Republic's Chicago District plant. The program will provide controls designed so that Republic will not be in violation of the water quality criteria adopted for the Calumet River under SWB-15. Thereafter, the Metropolitan Sanitary District requested that Republic substantially shorten the construction schedule originally submitted, and revised construction schedules were submitted. The present schedule calls for the completion of construction of necessary wastewater treatment facilities by December 31, 1970.

Republic's program to meet the

requirements of SWB-15 calls for construction of the equivalent of three large terminal treatment plants, two of them combined, and other control facilities at a cost in excess of $6 million dollars. The present timetable is the shortest schedule we have been able to project taking into consideration the necessary design time, equipment procurement and the difficulty of constructing in a crowded, limited area with many surface and underground interferences.

The location of these plants in a congested operating area along with relocating underground utilities and placement of foundations on slag-filled land necessitate this time schedule. Passing through these plant sites are railroad tracks and plant roads for truck shipment which must be maintained in operation. Numerous underground utilities, such as fire lines, city and service water lines, oxygen, coke gas and nitrogen lines, sanitary sewers and electrical conduits, will require relocating.

After standards were enacted by the State of Illinois in April 1968 (SWB-15), we began detailed engineering to design new terminal treatment facilities to meet these standards. In view of the above, we believe that Republic's proposed schedule is the minimum time schedule which can be met.

In summary, we have had a continuing program of pollution control and water management consistent with water uses on the Calumet River. As outlined earlier, those wastes which could conceivably affect water quality in Lake Michigan were eliminated prior to the 1965 Federal Conference and prior to the closing of the O'Brien Locks. We are upgrading our program now by proceeding as fast as we can to install large terminal treatment plants so that Republic will not cause violations of the water quality criteria adopted for the Calumet River by the State of Illinois.

MR. STEIN: Thank you, Mr. Birkel.

Are there any comments or questions?

Why don't you wait up there a minute.

As we always try to indicate, I believe that Republic is doing a better job than you might think, despite some of the controversy.

I think Mr. Birkel's statement, as I saw it, was quite a bit different than the theoretical contentions. One, they thought they had a deadline they were going to meet. Secondly, they got additional requirements in SWB-15 and they had to upgrade them.

But the point is--and let me see if we can get Klassen in on this too; Clarence--the notion of this December 31, 1970, does not meet that SWB-15 date either, does it?

MR. KLASSEN: Would you say that again, Mr. Stein?

MR. STEIN: The December 31, 1970, does not meet the SWB-15 date, does it?

MR. KLASSEN: No.

MR. STEIN: No. You see, you are beyond that. Now, this is the issue.

If what you are saying, Mr. Birkel, is that there was a 1968 deadline established and then the State may have in its standards-setting operation wanted to have another nine months and you didn't meet that date because of difficulties, I think this may be one thing.

Before I stop, I have one comment, because it also struck me as very strange that a real sophisticated operation like Republic Steel could look at the record so carefully and determine everything in the record, and quote Mr. Egan's statements or other statements in the past, and then should, after looking at that record, in its statement quote one statement made on the jurisdiction of the Conference, by a witness before the Conference presenting a statement that was not agreed to by the Conferees. We took that question right up at the Conference. Now, again, with careful reading of the record that has been the hallmark of all the action and presentations made by Republic Steel, it would seem to me that if you would quote a witness before the Conference presenting a point of view and the Conferees took that question up later and they came to a different conclusion, that that might have been noted in the statement.

But other than that, and I will speak for the Chairman, I do think that we have a basis where I hope Republic and all the Conferees, both individually and collectively, should be able to come to a mutual accommodation. I don't think we are very far apart.

MR. PITTS: I think that is right. But what we are seeking to do, and it has been consistent all the way along, Mr. Stein, was that we were seeking to first ascertain and then once having thought we ascertained it, to comply with the requirements of the State of Illinois. Now, we have submitted a program and we have submitted that to the Sanitary District, which has it under consideration, and we are attempting to comply with the State requirements because we had none from the Conference.

MR. STEIN: Let me ask Mr. Klassen, what is the date, the SWB-15 date?

MR. KLASSEN: Let me clarify this.

MR. STEIN: Yes.

MR. KLASSEN: The original submission on June 28, 1967, to meet the June 30th deadline included in SWB-15 the same date as this Conference, December 31, 1968. It took seven months, and we can realize this--this is not criticism of Federal Water Pollution because they had 50 States to review--it took seven months to get to review in detail of the Sanitary Water Board's submission. With the concurrence of Federal Water Pollution Control and because of the seven months' delay and the fact that this was seven months that would be taken off the time permitted for industry to comply, this date was set at September 30, 1969. And that is the date in SWB-15 and the date that we will hold to.

MR. STEIN: And just for the sake of argument, because we may get into this but I just want to state the fact, Republic is asking for a year beyond that date, even the broadest date, is that correct, as I understand the issue?

MR. PITTS: We understand the date set by the water board was September 30 of 1969. This date having been established became effective on April 1 of 1968, and we have submitted a construction schedule and we have asked for approval of that schedule which will be completed on December 31 of 1970. We are making that application, we have made the application, I should say, to the Sanitary District, which as I understand it must then consult with the Water Board to determine what they will do.

MR. STEIN: But what I am getting at, given the date that Mr. Klassen did--and by the way, let this be abundantly clear, let's make it clear, I want to get an agreement that we can go on, but I want to get the facts because we have to see how far we are apart before we can get together.

As I understand it, some of the people--

let's put it this way, say Mr. Poston, I will pick one, thinks that the date the Conference set was December 31, 1968, applying to all sources, including the Calumet River. Mr. Klassen believes that with the program and the procedure he has outlined here in getting the standards reviewed that he, under State law, and submitting it to the Federal Government, has a date of December 31, 1969. Is that correct or September?

MR. KLASSEN: September.

MR. STEIN: September 31st or is it 1st?

MR. KLASSEN: September 30, 1969.

MR. STEIN: Thirty days hath September, yes.

MR. KLASSEN: Let me further, Mr. Stein, state that the Sanitary Water Board established these water quality standards and this date because it felt there was a vacuum here and a river that had no standards and we didn't want to leave anything to chance because we expect to have this river cleaned up.

MR. STEIN: Right. Now, the next, we have one date, December 31, 1968, Mr. Poston thinks was set. Mr. Klassen puts out a case which he thinks is a perfectly valid, legal and applicable one where his date is September 30, 1969. The proposal of Republic Steel is for December 31, 1970. These are the positions that we have to, as I see, deal with?

Yes.

MR. KLASSEN: I want to make one more statement. I raised this issue originally because the question did arise and I am not raising a question of jurisdiction--this jurisdiction at this Conference. Apparently the Conferees feel and the Federal Government feels that they have jurisdiction, and I would say I am not going to question that at this Conference. If they do, then we are expecting them to move ahead, because the deadline has been passed and I have not seen any request for extensions. And I would say that inasmuch as the Federal Government claims its jurisdiction, and I am not disputing it at this meeting, then we are expecting you to move ahead on the next move for the enforcement of these standards.

MR. STEIN: Well, what would you construe the Republic Steel application for construction by December 31, 1970, except as a request for an extension?

MR. KLASSEN: Are you asking me this?

MR. STEIN: Yes.

MR. KLASSEN: We will pass on this when this is submitted to us by the trustees of the Metropolitan Sanitary District. It is not before the Sanitary Water Board.

MR. STEIN: The point is that in the Federal Government we act on the basis of comity, and if this is before--

MR. KLASSEN: You say comedy or comity? I didn't hear--

MR. STEIN: It depends on who the role of characters are in the particular play.

MR. KLASSEN: That is why I asked. (Laughter.)

MR. STEIN: And we regard an application to the duly constituted public body and the Conferee, such as the Sanitary Water Board, as being perfectly valid just as if any State or we got that request.

MR. KLASSEN: What are you implying, that you submitted it to us and we haven't acted on it?

MR. STEIN: No.

MR. KLASSEN: It hasn't been submitted to us.

MR. STEIN: I am not implying, I am stating that the industry has done all that it could do under State, local and Federal law by applying for another date to the agency which has immediate jurisdiction over it. I would consider that in recognizing the validity of the actions of all the public agencies as being a request that the industry did all it could do in asking for an extension.

MR. KLASSEN: I agree, the industry has done all they can do. We agree.

MR. STEIN: Well, if you want to cut off more sentences, we are really changing that comity to comedy, aren't we?

MR. KLASSEN: No, let's--since this question is raised, this is within the jurisdiction of a Conferee here and I have heard no request for an extension of time from this Conferee, which it is within their jurisdiction, and if it is, if there is such a thing before us, then we ought to act on it. It is my understanding from this morning that Mr. Egan suggests that this be placed before the Secretary of the Interior, and I think this is maybe a good suggestion.

MR. STEIN: Yes. We certainly will

entertain that and we will take this up fully. Are there any more comments from the Conferees on the Republic Steel presentation?

MR. EGAN: Just this. As far as asking for an extension is concerned, an extension was requested by Republic and was transferred from the attorney's office of the Sanitary District to the State Sanitary Water Board, and it was sent back and told that it must come from the Board of Trustees, which that request hasn't been forwarded as yet.

MR. KLASSEN: Correct.

MR. STEIN: Mr. Poston, did you have something?

MR. POSTON: I was going to comment to the effect that it is interesting in light of Mr. Poole's comment, and I fully concur with Mr. Poole, that the situation on Indiana Harbor Ship Canal is very similar to the situation on the Calumet River, and that Youngstown Sheet and Tube and Republic Steel have the same consultant, and yet they come out with different answers on the same problem.

MR. KLASSEN: Just a point, Mr. Poston or Mr. Poole, a point of information.

MR. STEIN: I don't know that they have the same legal consultant.

FROM THE FLOOR: Do you want me to speak to that?

MR. STEIN: No, no, unless you feel compelled. (Laughter.)

MR. KLASSEN: Will someone refresh my memory, and I mean this, Mr. Poole or Mr. Poston. Did the State of Indiana, in the absence of standards by this Conference, set standards for the Little Calumet? I don't know. Did they, Poole?

MR. POOLE: Yes, we set--

MR. KLASSEN: The Grand Calumet?

MR. POOLE: The State of Indiana set standards, in its water quality end of it, now, the same as your SWB-15--

MR. KLASSEN: Yes.

MR. POOLE: --for the Grand Calumet that is to the east of the Indiana Harbor Ship Canal and for the Indiana Harbor Ship Canal that are slightly different, I can't tell you in what characteristics now, from the standards for the Grand Calumet that flows westerly into Illinois.

Now, in setting those standards, we attempted to come up with a set of standards for those two bodies of water which would give us a water outlet into Lake Michigan that would meet the Conferees criteria which were adopted for Lake Michigan. Essentially, I think, the same thing that the State of Illinois did when you set your standards for SWB-15 for the Calumet River.

MR. KLASSEN: Were there deadline compliance dates on that?

MR. POOLE: Yes, there were deadline compliance dates.

MR. KLASSEN: What were they?

MR. POOLE: They were originally June 1970.

MR. KLASSEN: Were they approved by the Secretary of the Interior?

MR. POOLE: They were. I have a copy of the letter of approval in my file here. Also the Sanitary Water Board and the FWPCA were both represented in the Gary hearing and neither agency objected or raised any issue as to that deadline at that time. Subsequent to that--

MR. KLASSEN: That is right.

MR. POOLE: --the Indiana Pollution Board held another hearing with the three steel industries and adopted revised schedules, which are the ones that we are considering here today. They are different from the ones that were approved by the Secretary, shorter periods of time.

MR. KLASSEN: Has he indicated that he would approve or disapprove those or haven't they been submitted yet?

MR. POOLE: Well, they haven't been submitted unless they have been submitted to him through the proceedings of this Conference. I have assumed, and maybe it is wrong for anyone to assume anything that a Secretary might do, but I have assumed since they were dates that were shorter than the time that he had approved that he wouldn't raise any objection to it.

MR. KLASSEN: Thank you.

MR. STEIN: All right. Let me again--and I think at this time,unless someone else comes on, we may be getting U. S. Steel on--but let me outline the issue, because sometimes you have a lot of fun here, sometimes there is a lot of heat and maybe sometimes there is a little light

But if our object is to clean up water pollution, here is the situation and let's see how horrible we have it.

We have had a report of several companies, and I don't think I am picking them out too much at random from my notes: Youngstown Sheet and Tube June 30, 1970, for part of the work that they are to be completed. That is in Indiana. The Indiana Harbor Works, Inland Steel terminal facilities by May 1970. The South Works--these are proposals--the South Works recirculation February 1972, the North Slip February 1972; the Riverside Steel plant we have September 30, 1969; Chicago Blast Furnace end of September 1969, International Harvester December 1970, July 1971, July 1972. Gary Sheet and Tin Works, the last date I have is March 1970. The Gary Steel Works, the last date December 31, 1969. The Chicago Coke Oven Plant February 28, 1969.

Then we come to Republic Steel, where we have had a lot of controversy, and really the date that we are talking about is December 31, 1970. Now, I am not sure we are not all in the same ball park. And while we may talk about this, but I ask you on the record--and I think these records have a way of proving themselves--to see what kind of a spread we have and what kind of difference we have on this stuff. In other words, we have a situation here, it seems to me, gentlemen, where we have a consideration of the December 31, 1968, date that evidently has been exceeded or gone by, if you wish, in many cases, and if you are going to consider granting extensions on other people being in substantial compliance, you have to consider the range of those dates that these people are going to complete, and I would suggest that the Republic Steel date seems to me to fall pretty much within that range. Now, we may make a decision one way or the other, but I think we have got the issue narrowed down fairly well and I hope we can visualize some tempests which do not exist in teapots.

Can we call on U. S. Steel, please?

STATEMENT OF HERBERT J. DUNSMORE
ASSISTANT TO ADMINISTRATIVE VICE PRESIDENT
OF ENGINEERING, UNITED STATES STEEL
PITTSBURGH, PENNSYLVANIA

MR.DUNSMORE: My name is Herbert Dunsmore. I am the Assistant to the Administrative Vice President of Engineering of U. S. Steel, and my responsibilities include water pollution control for the corporation nationwide. I do not have a prepared statement here, but I will try to answer some of the questions that have been raised.

Inasmuch as we have three plants involved in this Conference, I would choose to talk about the South Works first, which is in the Metropolitan Sanitary District.

We received communication from the Metropolitan Sanitary District sometime in the first quarter of 1966 instructing us to prepare preliminary plans by the end of the quarter of 1966 and final plans by not later than July 1967 and submit them to the Metropolitan Sanitary District. That was done.

Those preliminary plans included a commitment reviewed by and accepted by the Metropolitan Sanitary District to construct certain facilities at the South Works, to bring our discharges into compliance with Conference requirements of the two-State Conference by December 31, 1968. We proceeded on that commitment and did complete it on time, and I think for the record that should be made clear.

You asked specific questions about some sewers, particularly as it related to color.

Outfall No. 10, which used to carry the flue dust which colored the water that was referred to here, no longer discharges any process water and has been bulkheaded or stopped. That water has now been diverted through treatment facilities that are adequate and do meet the standards set by the Conference. I think that clears up at least where we stand at South Works.

There is another question that has been raised regarding the South Works which has to deal with the continuation of a water improvement program to comply with SWB-15, which is not part of the commitment that was made with the Metropolitan Sanitary District in our preliminary and final plans that were referred to a minute ago.

These construction plans are now under review by the District and we have neither approval nor rejection of them. We have shown construction schedules for them that would extend as late as the date that has been set, February 1972, but that date included at least three steps along the way that have not been stated.

One is that the recycle system for the blast furnaces would be completed on or about June of 1971 and the terminal treatment plant for the mill area will be completed on or about November of 1971, but the 1972 date is the date in which the contractor has to meet his guarantee with us, which is a little different thing. I don't believe the Conference is concerned about that part of the date. The real target you are interested in is the June 1971 date and the November 1971 date, which is the date that they will be placed on stream and that will be to comply with SWB-15.

That is all my comments about South Works, unless you have questions.

MR. STEIN: In other words, would you think South Works is in substantial compliance with the

Conference recommendations right now?

MR. DUNSMORE: Yes. Our position and that of the Metropolitan Sanitary District is and has been that South Works is in compliance with the two-State Conference, and we were pleased with the inspection team's analysis of our cleanup program at South Works which was made on January 16th and they, too, concurred that it did meet.

MR. MILLER: Not me.

MR. DUNSMORE: Well, at least the question was asked--

MR. MILLER: Not me. (Laughter.)

MR. POSTON: Not me either.

MR. DUNSMORE: All right, the question was asked, then, if there was agreement and nobody said no, I will put it that way, and that is not a concurrence--

MR. MILLER: Now, wait, I won't agree with that either.

FROM THE FLOOR: Try it again.(Laughter.)

MR. DUNSMORE: No, I guess I had better not try again, because I was at the meeting and I thought--

MR. STEIN: Your hospitality must have overwhelmed them. (Laughter.)

MR. DUNSMORE: Well.

MR. POOLE: I would like to ask Mr. Poston a question.

MR. STEIN: Yes, go ahead.

MR. POOLE: Do you concur that--

MR. POSTON: No, I don't.

MR. POOLE: --the South Works meets the Conference schedule?

MR. POSTON: I don't think they do. I indicated that I see oil and solids go to the river as well as to the lake from the north slip and from those, what is it, outlets 7, 8 and 9, I think it is, No. 7 anyway. There has been great improvement, I agree, but there is still pollution out in that lake and that is what we are trying to eliminate.

MR. DUNSMORE: All right. Well, let me review the information that is in front of you.

Outfall No. 7 that you have referred to handles only condenser cooling water from our power plant. It does not come in contact with any process, and the only thing that is added to it by U. S. Steel is temperature.

MR. STEIN: They don't run that through

the clarifier any more?

MR. DUNSMORE: What did you say?

MR. STEIN: Let me go off the record.

(Off the record.)

MR. DUNSMORE: Outfall No. 8 has been improved since 1965 by converting all of the slide quenching water except on two furnaces to what is called a dry slide process, and one of those furnaces, furnace No. 11, is expected to come off the stream for a rebuild in 1969.

We further have taken a sewer separation that permitted some dirty water to be in No. 8 sewer and have diverted that to No. 9, where it does go through the clarifier, and we took some clean water that was in No. 9 going to the clarifier and diverted it to No. 8, which is a clean sewer. And this has substantially improved the discharge of sewer No. 8.

Sewer No. 9 is the only other outfall going into Lake Michigan from the South Works, and that is the one that does now and has had a clarifier on it. We are now using polyelectrolytes and, as I have suggested, have taken cooling water out of it and we believe that is now in compliance.

MR. MILLER: I still have troubles with 12, 13 and 14.

MR. DUNSMORE: I don't know as I have the data on--

14, I know, discharges into the extreme internal end of south slip, and the day of the inspection there was considerable solids coming out of that from the clarifiers that were recently installed, and we do have and have asked for about a four- to six-weeks period of time, break-in time, to get that unit operating right. But the facilities are in to clean up 14 and it will be clean and nothing new needs to be done except to get it working properly.

13 was clear on the day you inspected it and handling cooling water from blast furnaces 1 through 4.

12 is handling the water from our research facility and from our alloy bar mill, which does have a clean facility on it and an oil skimmer.

MR. MILLER: This is the one you are going to build an additional facility on, too. Air flotation units, if I recall.

MR. DUNSMORE: The water from the alloy

bar mill will be included in the air flotation system that comes on our next step as well as the water that is being recycled now out of sewer No. 5.

MR. MILLER: This had, if my date is right, a November 1971 date.

MR. DUNSMORE: November 1971 is when the air flotation system is expected to be completed and placed into operation.

MR. STEIN: Go ahead.

MR. DUNSMORE: No, I am through.

MR. STEIN: Do you want to talk about your other works?

MR. DUNSMORE: Oh, the other? All right.

One of the questions you asked had to deal with the Sheet and Tin Works at Gary, as to the percent or split in the amount of wastes that would be treated, for example, in the S and T step versus the 80-inch hot strip mill, and I have the figures here which were shown at the December 11th meeting. But on the first part of what we call the S and T, in other words the sheet mill and the tin mill, diversion will be completed by July of 1969 and it will amount to about half of the pollution. The other half is in the 80-inch hot strip mill, which will be completed by March of 1970.

MR. STEIN: I am going to ask you a question, go back a minute, and if you can't answer this, don't answer it.

But let's go back to the South Works. You are in compliance, in your opinion, now, by the work you have done. What percentage of the pollution have you got out?

MR. DUNSMORE: Just a minute. I think I may have some figures on that. I don't know that I have it up here with me.

I don't have that figure with me, Mr. Stein, but our position is that it is 100 percent of the commitment that was--

MR. STEIN: I understand. But you see, a lot of people ask this, not just around here, but back in Washington. Here is the situation.

You started out with a percentage load, say, going in. The question they ask is, starting with that, and this may meet the commitment--I am not arguing that, you know, one way or the other--how much will we get out now and what kind of percentage are you going to have when your program is complete in 1970?

MR. DUNSMORE: Let me try and guess at it.

MR. STEIN: All right.

MR. DUNSMORE: Let's talk about solids as one type of pollution, and the big solids problem with the South Works and with most steel plants is flue dust and mill scale. The clarifiers on all the blast furnaces we have will reduce the flue dust from the influent loading, which is more than 1,000 parts per million, down to less than 40 parts per million.

MR. STEIN: Is it doing it now?

MR. DUNSMORE: And it is doing it now.

MR. STEIN: All right.

MR. DUNSMORE: So while my arithmetic isn't first class up here at the second, I would say that is up in the 99 or 98 percent range.

MR. STEIN: Your arithmetic is good enough for me.

MR. DUNSMORE: All right. Now, the other problem in this--it is what, 96?

MR. POOLE: Maybe my arithmetic is wrong.

MR. DUNSMORE: All right, maybe 96. O.K.

The oil from the mill--there is no oil, substantially no oil in the blast furnace area, but it would come from the rolling mill area. And to make a guess on the amount of oil that is left--again whether you would take a ratio of 1,000 pounds of oil down to less than 40 pounds of oil--I think again we are in about the same range. But I don't have as good a handle on the oil.

MR. STEIN: Can you make a guess?

MR. DUNSMORE: I would guess it in relation to what we have done in other plants rather than specifically of what we have done at South Works. I would say we are up in the range of between 60 and 70 percent oil removal.

MR. STEIN: Oil removal. Now, how about the pickle liquor?

MR. DUNSMORE: Pickle liquor has never been a problem. It is 100 percent. We have a little of it there, it is neutralized and discharged.

MR. STEIN: So your two problems are really oil and flue dust and scale?

MR. DUNSMORE: That is right.

MR. STEIN: All right, and you covered

the scale with the flue dust, or is that another item?

MR. DUNSMORE: No, we covered the scale by the recycle system that we established for sewer No. 5.

MR. STEIN: What are you going to take out when you complete the program in 1970 that you are not taking out now?

MR. DUNSMORE: To go after the rest of the oil and to--

MR. STEIN: All right. In other words, about 40 percent of the oil?

MR. DUNSMORE: Or less.

MR. STEIN: Or less, yes.

MR. DUNSMORE: I would say less than 40 percent.

MR. STEIN: And what else?

MR. DUNSMORE: And the other one would be to recycle the blast furnace discharge so that you get rid of all the solids. In other words, as you know, SWB-15 requires to go down to 25 parts per million rather than 40 parts per million.

MR. STEIN: Yes.

MR. DUNSMORE: And you can't do that in a clarifier that we know about. So the choice of methods would be to recycle, which is what we have plans to do.

MR. STEIN: And when you recycle, what is your percentage of removal?

MR. DUNSMORE: You would have zero discharge; in other words, you get it all.

MR. STEIN: All right.

MR. DUNSMORE: It would comply with anybody's standards now and in the future.

MR. STEIN: Right. All right.

MR. DUNSMORE: Does that finish the several questions?

MR. STEIN: That finishes mine. You know, if I may be permitted, this can come a full cycle. You know, years ago I suggested that U. S. Steel might try a closed system and I was met with horrified glances, but I see you are getting pretty close.

MR. DUNSMORE: Getting closer.

MR. POSTON: I was impressed with the last year's activity at U. S. Steel South Works, and then I see a November 1971 date. I wonder if they used the same energy and worked around the clock a little bit and gave this the really top priority if it wouldn't be able to knock maybe a year or two off of that 1971 date.

MR. DUNSMORE: Well, I can tell you this, Mr. Poston. In order to speed up the way, the means of getting those treatment facilities on stream faster, we have chosen to go what is called the turnkey means, where a bidder bids on the lump sum finished product to turn you out a treatment device. Those bids are in and being reviewed, the contract is about to be awarded. It is in the negotiation stage now. And I will assure you that whichever successful bidder gets that, he is going to put that in just as fast as he can, because it costs him money not to. Every day that it doesn't come on stream is another day he doesn't get his final pay.

MR. STEIN: Every answer raises another question.

MR. DUNSMORE: All right.

MR. STEIN: I am not going to pursue that.

MR. DUNSMORE: All right.

MR. STEIN: The only reason it costs him money is you have authorized another amount. Mr. Poston talked about authorizing overtime and that would cost the company more money and a higher contract and you may get it done faster. But I am not going to push that.

O. K. Why don't you go on with the other plans?

MR. DUNSMORE: I thought I had covered them. There really weren't questions on Gary Steel that I could think of. The inspection team again saw that we had increased our settling time for our flue dust system by 30 percent and it was in operation the day of the inspection. Both of these facilities, both for the mill area and for the blast furnace area at Gary Steel Works, are expected by December 1969.

MR. STEIN: All right.

MR. DUNSMORE: I think one December 1st and the other December 31st, but I don't consider that much difference in time.

MR. STEIN: And again, I don't know how many people have been out or traveled by those Gary Steel Works, but that is a big job.

MR. DUNSMORE: Well, they are all, the Gary Steel Works and the South Works are both old plants and, therefore, have problems that are peculiar to combined sewer systems and many facilities that are under the ground that are not obvious when you drive over the surface of the ground, and make the construction difficult.

MR. STEIN: Thank you.

Are there any other comments from the Conferees or are there any other participants in the audience now who haven't been heard who feel they want to add something to this?

What we are going to try to do now is have a short recess of about 10 minutes or 15 minutes and then try to resolve these questions and hopefully have this on its way.

Mr. Poole?

MR. POOLE: Could we make that 10 minutes, Mr. Chairman? I have to be in Indianapolis early in the morning.

MR. STEIN: Ten minutes. We will reconvene promptly in 10 minutes. I adjure all the Conferees to be back at five minutes before, please. Thank you.

(RECESS)

SUMMARY

MR. STEIN: Let us try to do this. I think we have these choices before us, unless the Conferees wish to make some others.

We have a date, and without any prejudice to the Republic Steel position--

MR. POSTON: Could I interrupt?

MR. STEIN: Yes.

MR. POSTON: I would like to make clear, and I would like to ask Mr. Egan to verify, that Republic Steel does not have an approved set of plans for their abatement works at this time. I think this is important, because it puts them in quite a different light as compared to other industries who have moved ahead in their planning and other activities, even though they do have a date of December 31, 1970, for the completion of their works.

My question would be to Mr. Egan, is this right that Republic's plans for abatement have not been approved at this point in time?

MR. EGAN: It has not come to my attention personally, but I understand that some plans were submitted to the department and they have not been approved.

MR. STEIN: All right, may--

MR. POSTON: In other words, then, since 1965 in March when it was determined that there was pollution going into Lake Michigan and this pollution came from sources in Illinois as well as Indiana, and these sources in Illinois included Republic Steel, that still here in January of 1969 we do not have an approved plan for the abatement of pollution that is going into Lake Michigan.

MR. STEIN: I think we have two issues here and we will go down. I think this may relate to a remark I made before, and I thought I used this as a term of art, when I said these dates were more or less in the ball park. But I think the two things that you have to consider here are, one, whether any extension of the date is reasonable in view of the facts which have been presented, and a part of that operation, of course, is the bona fide effort and indication that an industry has used to comply with the requirements.

And I think again the facts speak for themselves. Many of the companies have moved a lot of earth, poured a lot of concrete, laid a lot of pipe, and literally put hundreds of millions of dollars in it. This may be an indication of the commitment of that industry to the program.

On the other hand, you have to evaluate

those which have not done it. Again, maybe some who are doing it or not doing it have done it because they feel they are moving in an orderly procedure. But this very well may be a significant point.

Without going into all the specific dates which will appear in the summary if we approve these, I will try to go down plant by plant and ask for a consensus on whether we agree to recommend the extension to the Secretary of Interior. If we do not recommend the extension to the Secretary of the Interior, I guess that they are not in compliance and I assume we will recommend that appropriate action be taken to assure that the remedial action is forthcoming.

Let's go with the first plant. Chicago Assembly Plant, Ford Motor Company. That is that 90-day business. Are there any--

MR. POSTON: I would say that it is my observation that this plant is the result of a broken sewer, is the way it was indicated to us, and this sewer they didn't know had been broken until the helicopter spotted the effluent and that they intend to repair that. It really isn't a call for an extension, I don't believe. This is another.

MR. STEIN: It isn't a what?

MR. POSTON: Well, it isn't really--an extension wouldn't be needed any more than if you had a break in a--

MR. STEIN: No, no, no.

MR. POSTON: --break in a pipeline at one of the other plants.

MR. STEIN: This is the one that I was at the inspection, and correct me if I am wrong. The issue here was that they had this problem all the time. However, they didn't know this. It wasn't until they put in the remedial program and the helicopter went over it and saw this material that they found that from the paint shop and other stuff there was intrusion in the sewers under the plant. They thought they had complied with all the requirements, and this was not called to their attention until sometime in November and they proceeded with complete haste to get this going and they contended they could not complete this before--they needed an extra 90 days. They went before the Sanitary District and the Sanitary District, I understand, locally has granted them the extension.

The question is whether the Conferees

want to go along with that determination.

MR. POOLE: I concur.

MR. EGAN: Mr. Chairman, I think there is one other item too. They have runoff water from a parking lot and downspouts from the roof, it goes into a creek that empties into the Calumet River. There is no treatment of any kind on that.

MR. STEIN: Well, didn't they agree, too, to make a study of that with the authorities and if there were any problems with that to consider treating that? Isn't that part of the deal we made with that company?

MR. EGAN: I don't know of any deal that was made.

MR. STEIN: All right. Let me try to put it this way.

Is it agreeable in cleaning up this material that is coming out of the sewer that the 90-day extension can be recommended?

MR. POSTON: I would agree.

MR. KLASSEN: Let me raise this point.

MR. STEIN: Yes.

MR. KLASSEN: Assuming that the Sanitary

District did, and I believe they did and I don't question this, extended this deadline beyond the December 1968, is this an indication that the district doesn't recognize this Conference date?

MR. EGAN: Let me say this, that the Board granted that extension over my objection, and with the understanding that some of the members of the Board understood that they were not under the jurisdiction of the Conference.

MR. KLASSEN: I see.

MR. EGAN: I asked them to continue it until at least the next meeting, where we would be assured whether or not we were, and that is one of the reasons I am pursuing it now about jurisdiction, and that date was granted by a majority of the Board.

MR. KLASSEN: One other thing, Mr. Chairman.

On this one and all those on the Calumet River, I know that you recognize I am here as a Conferee but also do represent the official water pollution agency in the State that has set deadlines on the Calumet River, and for this reason I want to say in advance, because of this, I can't carry water on two shoulders, I am going to have to vote present on all dates that are being considered on the Calumet River.

MR. STEIN: Well, let me ask you, Mr. Klassen, on this one. Do you really have--and this is up to you, but as I understand this, you may have to vote present for a date on the Calumet River which goes beyond the date you set, but this 90 days is well within that date.

MR. KLASSEN: This is well within, and let me say while I would vote officially present, I would have no objection to this extension.

MR. STEIN: All right.

Now let us take up the other point with the Ford Motor Company plant. This just deals with the recommendations as to the improvements of the wastes coming from the sewers.

The point that Mr. Egan alluded to, that is the runoff, the snow melt from the roof, and the other material and the stormwater runoff from the plant is going to be under continuing surveillance. I think the initial jurisdiction, of course, is with the Sanitary District, and I think from what I have seen of Dr. Stein and his group, they have that well under control. But as they know, any assistance or help we can give, just call on that, and that will be under the continuing surveillance of the Conference.

I think the Ford management recognized that this was going to be a continuing problem and we will have a report from the district and the other investigators on that as we come to progress meetings to see if anything has to be done. I am not making the judgment, and I don't think anyone now is as to whether it has to be done. If it is done that will be taken care of, and I would think that the management of the company has indicated that they want to take care of any pollution problem and if there is a problem they will be sympathetic toward that.

MR. KLASSEN: Could the record show who is making this request for the extension, what Conferee?

MR. STEIN: I don't know that the request for an extension has been--

MR. KLASSEN: Somebody has to bring it before this Conference. If it isn't a Conferee, then it is you.

MR. STEIN: It is me. I am raising the question of an extension, of whether we should grant it. And I am doing that in all these cases because I have had no request from the Conferees, except Mr. Poole, for any extensions. But if it is all right--

MR. KLASSEN: That is my understanding.

MR. STEIN: If it is all right with Mr. Poole, I am not going to put him on the record as making this, this will be the Chairman's prerogative of raising the question of the extensions.

MR. POOLE: That is all right.

MR. STEIN: Youngstown Sheet and Tube. We have the dates, as you know, on the various plants. I won't go into those specific dates. Are we in agreement that that extension be granted?

MR. KLASSEN: Let me ask a couple of questions here. What is the alternative or are the alternatives if we don't grant this extension? I think we should know this.

MR. STEIN: Yes. I thought I indicated this. The alternatives are that the Secretary has to make a judgment himself. Now, either he will find that they are making substantial progress or reasonable progress toward abatement of pollution--if they meet these dates, they will be making reasonable progress toward abatement of pollution, or he may believe that by not meeting the December 31, 1968, date they are not in compliance and not making reasonable progress and then he can call a public hearing.

I think the best way that we can handle this matter is, as we have in the past, give him a recommendation from the Conferees so he can be guided by this..

MR. KLASSEN: My next question is this. I raised the point about conditions of extension. One of the conditions that there should be, and apparently we don't have it, a letter from top management requesting the extension, why, and actions that would be taken in the event that the extension was not met. This question, however, was answered by Mr. Poole when he as a Conferee is making this request on behalf of the industry.

My second condition is relative to a regular progress report, every month preferably, so that we would know what progress this industry is making. Inasmuch as we aren't dealing directly with the industry but dealing with the Conferee that made the request for the extension, I would say in advance, I would accept a statement of this kind by the Conferee from Indiana if he would assure us that we would get regular progress reports.

MR. POOLE: Well, going back to October 1967 when the companies met with the Indiana Pollution Board, we asked and are getting progress reports at six-month intervals. I think that you are cutting it pretty fine to get down to monthly intervals. Maybe quarterly is a bit more realistic than six-month intervals.

MR. STEIN: Can we submit it quarterly? You know, this case is not over yet. Based on experience, I think there is going to be no solution as these things go on to meeting our obligations, unless we convene about once every six months for a progress meeting and talk this over, because otherwise you find yourself too far apart. But could we say that at three-month intervals--

MR. KLASSEN: All right.

MR. STEIN: --in between we will get a written report from the Conferees on the various areas in their jurisdiction and that will include the Sanitary District too, sir. And at three-month intervals we will send each other the reports, and at the six-month interval we will have this, convene in Chicago with another progress report which will be open to the public.

Of course all our documents are available. I didn't want to indicate that the three-month progress reports are not public documents, but we will have a public meeting every six months.

MR. KLASSEN: Since the object of this Conference is to get this job done as soon as possible and since the alternative is the next step in the enforcement procedure involving a public hearing, appeals which could conceivably take two years, I don't see as we have any other choice than to accept this date, and on that basis I would agree to it.

MR. STEIN: How about you, Mr. Poole, with Youngstown? Would you agree to it?

MR. POOLE: I thought that had been understood for a couple of years, but I will agree.

MR. STEIN: Yes, it is. But the trouble is these records have a nasty way of not being able to remember.

MR. POOLE: I hereby agree again.

Summary

MR. EGAN: What is the date they are asking for?

MR. STEIN: There are various dates on the plans, sir. They have their central treatment plant December 31, 1969, clarifier December 31, 1969, for recycling June 30, 1970, terminal lagoon June 30, 1969, and so forth, and another one June 30, 1970. These were the dates proposed.

How about you, Mr. Poston?

MR. POSTON: Well, I think that on the basis of reports that I have received Youngstown has been one of the most advanced in their movements and they have apparently gone all out to do this job. Now, this hasn't always been true. I remember at the beginning of the Conference there were a lot of questions in their minds and apparently we didn't have that. But my people have reported to me that they have done some of the best work that the inspection teams found.

I would also like to say that I do this with a view that we will get on with this job of cleaning up the water in the lake. I recognize that many of these plants have made progress in varying degrees, some of them have more push th n others. I also recognize that we do have a committee to look into the reasons that the quality isn't as good as we had anticipated at this time, and I anticipate that more is going to be required than there is at the present time. In other words, I can anticipate that there are going to be additional steps that will be required of these particular industries and I think this is forthcoming.

I would like to see also that the inference is made that these companies will proceed as fast as possible but not beyond this date.

MR. STEIN: Yes, I think that is understood. And we will put that in generally if there is no objection to all of them.

Do I understand that you are moving in the affirmative on Youngstown Sheet and Tube for the extension?

MR. POSTON: Yes, sir.

MR. STEIN: Mr. Egan?

MR. EGAN: No.

MR. STEIN: All right.

Indiana Harbor Works, Inland Steel Company.

Mr. Poole?

MR. POOLE: Why, I agree, and I think that is only one project and one date there.

MR. STEIN: Yes, that is the terminal facility, May 1970.

Mr. Poston, Inland Steel?

MR. POSTON: I would agree, for the reasons that I said before, that we should move ahead and get this work done.

MR. STEIN: I think the reservations you all had will apply to all of these. You know, this will just be a listing, but your reservations will show up in the summary.

Mr. Klassen, Inland Steel?

MR. KLASSEN: All of the remarks that I made concerning the alternatives and progress reports for Youngstown Sheet and Tube I want to apply here. In addition I don't want to be on record with the same reasons that I understand from Mr. Poston. I am not voting because they have done such a good job and moved ahead. I am voting simply that this is the fastest way to get on with this job, and if we don't give them this extension we have the alternative of a two-year-plus delay in Federal action. This I don't think that we want to get into because I feel this is the quickest way to get this done and this is the only reason I am voting yes.

MR. STEIN: All right.

Mr. Egan?

MR. EGAN: No.

MR. STEIN: International Harvester Company, Wisconsin Steel Works. That is under the district, isn't it, within the Sanitary District jurisdiction? Isn't that correct?

MR. EGAN: Do we have any trouble with them?

MR. STEIN: Are they in substantial compliance?

DR. STEIN: Yes.

MR. STEIN: Well, I have notes on International Harvester: Recycling December 1970, July 1971, July 1972. Are they in compliance now with the requirements of the Conference? In other words--

DR. STEIN: Yes, they are.

MR. STEIN: Right. Now, is that correct, Mr. Pemberton? We need it for the record.

MR. PEMBERTON: We would like to see that acid removed from this discharge.

MR. STEIN: Well, here is the question. We have to come up to this decision and we hope that the investigatory team can do this. If they are in compliance, we can say they are in compliance. If they are not in compliance, we have to consider whether we are going to give them an extension.

Now, the district representative says they are in compliance. Is there any disagreement with that statement that they are in compliance with the requirements of the Conference?

MR. POSTON: Well, I would say they are, yes, sir.

MR. STEIN: All right.

MR. EGAN: They are in compliance or not? What are we--

MR. POSTON: Cut of compliance.

MR. STEIN: Out of compliance?

MR. POSTON: They are not in compliance--

MR. STEIN: Not in compliance?

MR. POSTON: --until they complete this construction.

MR. STEIN: By December 1970?

Summary

MR. POSTON: No, isn't that date July--

MR. STEIN: They have July 1971 and July 1972.

MR. POSTON: That is the date that I have.

MR. STEIN: Mr. Pemberton, when do you think they will be in compliance if they do what work?

MR. PEMBERTON: July 1971 if they don't remove the acids from their wastes, if they wait until the mechanical descaling equipment is built, which will then eliminate the acid.

MR. STEIN: But you feel they can do this with this schedule by July 1971, remove the acid?

MR. PEMBERTON: Yes.

MR. STEIN: All right.

Now, let me try to put the question to the Conferees this way. If they have the acid in the wastes, we can have a-several-way indication here: 1) whether we are going to grant--you suggest that we grant this extension to July 1971; 2) no; 3) whether you believe they are in compliance; or any other indication you want to give.

Mr. Poston, what do you think about the July 1971 extension?

MR. POSTON: Well, I would go along with the extension on the basis of my previous reasons.

MR. STEIN: They will be noted, all the reasons will be noted.

Mr. Poole, will you go along with the extension?

MR. POOLE: Yes.

MR. STEIN: How about you, Mr. Klassen?

MR. KLASSEN: For the reasons I have stated concerning the Sanitary Water Board and the Calumet River, I vote present.

MR. STEIN: Mr. Egan?

MR. EGAN: I will not vote for the 1972 date. I will vote for the others.

MR. STEIN: For the 1971?

MR. EGAN: Yes.

MR. STEIN: All right.

MR. POOLE: Well, I thought that is what we were voting for, Mr. Chairman, July 1971.

MR. STEIN: Right, that is correct.

All right, Gary Sheet and Tin Works, U. S. Steel Corporation, and you know the extensions are to June 30, 1969, June 30, 1969, March 1, 1970.

Mr. Poole?

MR. POOLE: I will agree to those dates.

MR. STEIN: Mr. Poston?

MR. POSTON: I will agree to those dates.

MR. STEIN: Mr. Klassen?

MR. KLASSEN: Again in order not to give them an opportunity for further delay with further Federal action, this is the only alternative we have and I vote yes.

MR. STEIN: Mr. Egan?

MR. EGAN: Yes.

MR. POSTON: This was a vote for extension?

MR. STEIN: Yes.

Gary Works, U. S. Steel Corporation. Briefly that is December 31, 1969, and December 1 , 1969.

MR. POOLE: I vote yes.

MR. STEIN: Mr. Poston?

MR. POSTON: I will vote yes.

MR. STEIN: Klassen?

MR. KLASSEN: For the same reasons for the Gary Works, yes.

MR. STEIN: Mr. Egan?

MR. EGAN: Yes.

Summary

MR. STEIN: General Chemical Division, Allied Chemical Corporation. They are in compliance.

MR. MILLER: In compliance, right.

MR. STEIN: Are we all in agreement on that?

MR. POOLE: In agreement.

MR. POSTON: In agreement.

MR. STEIN: Well, that is a help. You see, the list gets smaller all the time, slowly.

Riverdale Steel plant, Interlake Steel Corporation.

MR. POOLE: Oh, Mr. Chairman, I got the impression--and I don't want to raise this issue to precipitate another 30- or 40-minute dissertation--but isn't this the plant that is downstream from the O'Brien Locks?

MR. STEIN: Yes.

MR. POSTON: That is right.

MR. POOLE: I will buy what is on here.

MR. STEIN: In other words, yes?

MR. POOLE: Yes.

MR. STEIN: How about you, Mr. Poston?

MR. POSTON: I will buy what is on here.

Summary

MR. EGAN: What is the date?

MR. STEIN: It is 1969, September 1969 and August 1969, they have three.

MR. EGAN: Yes.

MR. STEIN: Yes for Mr. Egan.

And Mr. Klassen?

MR. KLASSEN: Officially I vote present, but inasmuch as they saw fit to comply with the Sanitary Water Board date, I offer no objection.

MR. STEIN: Chicago Blast Furnace, Interlake Steel Corporation. The dates September 31, 1969, September 31, 1969.

Mr. Poole?

MR. POOLE: I have the date September 25, 1969.

MR. STEIN: Twenty-fifth, all right.

MR. POOLE: I will vote yes on either one. I think there is little difference.

MR. STEIN: O. K. You are probably right.

MR. POSTON: I will vote with the same consideration.

MR. STEIN: Mr. Klassen?

MR. KLASSEN: For the same reasons

stated for Interlake Steel, Riverdale Plant, I record present, but again offering no objection because they are within the dates set by the Sanitary Water Board.

MR. STEIN: Mr. Egan?

MR. EGAN: Yes.

MR. STEIN: Chicago Coke Oven Plant, Interlake Steel Corporation. February 28, 1969.

MR. POOLE: I vote yes on that because that is a lesser date even than the Illinois Sanitary Water Board.

MR. POSTON: One month away.

MR. STEIN: Yes, one month from now. How about you, Mr. Poston?

MR. POSTON: I vote to extend it.

MR. STEIN: Mr. Klassen?

MR. KLASSEN: Present, but with no objection.

MR. STEIN: Mr. Egan?

MR. EGAN: Yes.

MR. STEIN: Republic Steel Corporation.

MR. EGAN: I am going to renew my motion, Mr. Chairman, that this be referred to the Secretary of the Interior for decision and action.

Summary

MR. STEIN: All right. Do you want to take that up? Let's try that one, that we refer this case to the Secretary of the Interior for determination and action. Let's move on that motion.

By the way, you can be recorded as having that view, even though the motion doesn't go. O. K.?

MR. EGAN: Yes.

MR. STEIN: Mr. Poole, what do you think of that?

MR. POOLE: Why, I think that it is in Mr. Egan's jurisdiction, and based on what I have heard today it seems to me about as logical a thing as you can do with it.

MR. STEIN: How about you, Mr. Poston?

MR. POSTON: I agree.

MR. STEIN: Mr. Klassen?

MR. KLASSEN: Inasmuch as this is on the Calumet River, the jurisdiction of the Sanitary Water Board, I have got to vote present, although the idea sounds pretty good.

MR. EGAN: And I vote yes.

MR. STEIN: Thank you.

You know, if the Conferees want this

off the record, I will strike it, but as far as I can see, gentlemen, the millennium has arrived. This is the first time that a--

MR. POSTON: Wait a minute, you didn't get the South Works.

MR. STEIN: Yes, but we are not through yet. I am commenting on this, that the millennium has arrived, that this is the first time that the States and other people have referred anything voluntarily to any Federal Secretary that I know of for decision, and I welcome this. This is nice.

MR. KLASSEN: As I understand it, though, Mr. Chairman, from your opening remarks, when one Conferee votes different than the rest, the Secretary doesn't have to follow the Conferees' recommendation. Therefore, he has two or three in his lap.

MR. STEIN: Yes, he may have two or three in his lap, but the point is, I think, even if all the Conferees vote together he doesn't have to follow their recommendation.

MR. KLASSEN: That is correct.

MR. STEIN: Did I miss the South Works? South Works, U. S. Steel.

Mr. Poston?

MR. POSTON: Well, I have been concerned about this date of November 1971. I brought it up previously with Mr. Dunsmore when he was here and he offered no indication that he would be interested in or would have an opportunity to meet any other date, any earlier date.

MR. STEIN: The dates I have are February 1972.

MR. MILLER: Those aren't right.

MR. POSTON: No, it is June and November in 1971.

MR. STEIN: June and November of 1971. All right.

MR. POSTON: For two different projects that they have within their works.

MR. KLASSEN: Are we talking about the lake or the Calumet River?

MR. POSTON: I think they both work together, because the wastes that go to the lake, or some of them, at least, will be treated in the flotation unit and will be eliminated from the lake and be discharged to the Calumet River after treatment or after additional treatment.

MR. STEIN: If that is not correct, let's hear from someone. If it is, let's proceed on that basis.

MR. KLASSEN: Let me say that if February 1972 is the date you are considering involving discharge to the lake, I vote no. If it involves the Calumet River, I vote present.

MR. STEIN: What is the situation on that, Mr. Pemberton? May we be refreshed on the South Works? What are those dates?

MR. PEMBERTON: The date for the air flotation system for mill wastes is February 1972.

MR. STEIN: Where does that waste go? Where is the outlet?

MR. PEMBERTON: I don't know.

MR. STEIN: All right. Mr. Dunsmore left.

MR. POSTON: Mr. Dunsmore indicated that February 1972 was the date at which the contractor would have final approval of--

MR. STEIN: The guarantee?

MR. POSTON: --the guarantee. And that the installation would be completed in November in 1971.

That was the reason that I used that date.

MR. STEIN: All right. Now, how about a November 1971 date? And I am trying to find out whether that goes into-- In your understanding this would go into the lake as well as the river?

MR. POSTON: My understanding is that some of the wastes that presently go directly into the lake would be run through the flotation unit and then it would be discharged to the south slip, which goes into the river near the mouth of the Calumet River.

MR. STEIN: But in other words, if we have the November 1971 date, try to get the information from Mr. Klassen, we can expect waste to be going into the lake from November 1971?

MR. KLASSEN: Into the lake?

MR. STEIN: Yes, I am asking that question.

MR. POSTON: That is what I--

MR. KLASSEN: All right, if that is what we are voting on, I have got to vote no.

MR. STEIN: How about you, Mr. Poston?

MR. KLASSEN: I might say in explanation of that, as some of you know, we have a State law that has set up December 31, 1968, in the process now of determining what action is going to be taken if that isn't met, and that is why I can't go along with any later date than December 31, 1968.

MR. STEIN: How about you, Mr. Poston? They are not in compliance now.

MR. POSTON: I guess I would vote no.

MR. STEIN: How about you, Mr. Poole?

MR. POOLE: In view of the other two votes, I think I will vote no. But there is a point of clarification. I thought there was another facility in addition to the air flotation unit that was to be installed on an earlier date.

MR. POSTON: June in 1971.

MR. STEIN: June of 1971.

MR. POOLE: What is that facility, Mr. Pemberton?

MR. PEMBERTON: It is a recycle system, isn't it?

MR. STEIN: For the edification of the Chairman, I wish you would tell me so I can explain to the Secretary when I get back your rationale for the difference in this vote and those plants in Indiana.

MR. PEMBERTON: Mr. Dunsmore gave that and I don't have what unit that was, that he said would be completed in June 1971.

MR. MILLER: Alloy bar mills and the blast furnace recycle.

MR. STEIN: Well, is your vote no on this, Mr. Poole?

MR. POOLE: Yes.

MR. STEIN: The vote is no?

MR. POOLE: Yes, the vote is no.

MR. STEIN: Mr. Egan?

MR. EGAN: No.

MR. STEIN: All right.

MR. KLASSEN: Now we are going to have a date on the Calumet River?

MR. STEIN: No. Why?

MR. KLASSEN: They are separate.

MR. POOLE: I think the practical effect of this, Mr. Chairman, is that we have done the same thing with the South Works that we did with Republic Steel, haven't we, that we have handed it to the Secretary?

MR. STEIN: Yes. All right. Now, if you

want to raise--what date would you say they could put it? How about November of 1971 for discharge--you mean the termination date--I will raise another question. The answer is no for the South Works. What would you say to the dates of June 1971 and November 1971 for stopping the discharge to the Calumet River?

Mr. Klassen?

MR. KLASSEN: Present.

MR. STEIN: Mr. Poston?

MR. POSTON: I don't really think there is any difference between the two, for my money, and one is the same as the other.

MR. STEIN: All right.

Do you want to make a distinction on that, Mr. Poole, or do you want to have your same view?

MR. POOLE: I am consulting with my brains here. I don't know what I want to say.

MR. STEIN: All right. We will keep you in Chicago as long as you want to stay out of Indiana, Mr. Poole.

MR. EGAN: I vote no.

MR. STEIN: No. Mr. Egan votes no.

MR. POOLE: I will vote no.

MR. STEIN: We have noes all around. O. K., that resolves that issue.

Now, we have these other--

MR. POSTON: I would make one suggestion, that an attempt be made to negotiate an earlier date.

MR. POOLE: This I would buy.

MR. STEIN: All right.

MR. KLASSEN: This is up to the Secretary, isn't it?

MR. POSTON: Yes.

MR. KLASSEN: He is to take the next move.

MR. STEIN: We will forward that suggestion to the Secretary. We won't hold the vote on that. That may be gratuitous.

Now, for the Indiana industries, I think we have several problems here. There are some that we have not resolved yet. One is Adolph Plating. Now, I don't know that we can do any more federally than Indiana can do in bringing a lawsuit against a recalcitrant polluter, and I think we should have a report on this at the next six-month progress meeting if it is all right with you. I am very hesitant to get the Federal

Government to take any action where the State has instituted legal action against a polluter, and if the case is going along all right we will consider it then at the next meeting if we can have a report.

MR. KLASSEN: What list are we reading from?

MR. STEIN: Here, this cat and dog list.

MR. KLASSEN: Do I have it?

MR. STEIN: I don't know. Here.

Now, as I understand it, American Maize Products is in compliance. Right?

MR. MILLER: Right.

MR. STEIN: All right.

Lever Brothers, what is the issue there? They have just a little to do?

MR. MILLER: We reported them in compliance.

MR. STEIN: In compliance.

Steiner Tissue is not in compliance, but they want three months. Right?

MR. POOLE: Yes, that is the one that has been held up on equipment delivery, and I don't know what you can do about it but wait until they get the equipment.

MR. STEIN: All right. You would go along with this extension?

MR. POOLE: Yes, sir.

MR. STEIN: How about you, Mr. Poston?

MR. POSTON: Yes, sir.

MR. STEIN: Mr. Klassen? This Steiner Tissue was the only one. Adolph Plating is before the courts. American Maize in compliance, Lever Brothers in compliance. Steiner Tissue, they are held up for equipment and they want another, what, three months? Or when? Yes, two months.

MR. POOLE: It is just a month. They have said they will get their equipment and have it installed the first of March, so it is actually only just a little over 30 days.

MR. KLASSEN: That is right, this is reasonable.

MR. EGAN: Yes.

MR. STEIN: Yes all around?

MR. EGAN: Yes.

MR. STEIN: Thank you, Mr. Egan.

Now, we have several of the others as far as I know, American Oil, Cities Service, Mobil Oil, **Sinclair Refining** and Union Carbide are in compliance, but we will be looking into that with our technical study report and that will be coming out at the six-month interval.

By the way, I read those very fast, but in order to put this in perspective, just remember the plants I have read off that are in compliance, American Oil, Cities Service, Mobil Oil, Sinclair Refining and Union Carbide.

MR. EGAN: What is the purpose of having them here, Mr. Chairman?

MR. STEIN: They are not going to be here, but the question here is that we have that Technical Committee looking at the problem to see if the program is sufficient. Mr. Vaughn has given us some very provocative data on the cleanup. Now, if we haven't asked enough and we have to have some more, we are going to look at that. But right now they are in compliance.

MR. EGAN: They are not asking for time?

MR. STEIN: No. No, they are all in compliance. But what Mr. Vaughn says since finding these chemicals in the water intake that they found in 1965, we just can't shut the door completely. All right.

The American Agricultural Chemical,

just two or three months. Are we in agreement with giving them that, to March 1969?

Mr. Klassen?

MR. KLASSEN: Just a question. Where are they located?

MR. STEIN: Where are they?

MR. KLASSEN: On the Heights? Well, obviously yes, because nobody is asking for an extension. This is the same reasoning back with Steiner Tissue.

MR. STEIN: Right.

How about you, do you vote yes on that one, three months?

MR. POSTON: Two months.

MR. STEIN: Two months.

MR. EGAN: Two months. And they are in compliance?

MR. STEIN: They will be in two months.

MR. EGAN: In two months?

MR. STEIN: Yes.

MR. POOLE: I vote yes.

MR. STEIN: How about you?

MR. POSTON: Yes.

MR. STEIN: All right.

Midwest Forging and Manufacturing. You indicated that would be the same time,about March.

MR. KLASSEN: Yes.

MR. STEIN: Yes.

Mr. Poole?

MR. POOLE: I vote yes.

MR. STEIN: Poston?

MR. POSTON: This is essentially done now?

MR. STEIN: It would be March.

MR. POSTON: O. K. Yes.

MR. STEIN: How about this one, Midwest Forging and Manufacturing?

MR. EGAN: Where are they?

MR. STEIN: Where are they, Chicago Heights?

MR. EGAN: What are they asking?

MR. STEIN: Well, they have an operation program on oil separation and it takes a month or two to get their operations lined up so they get all the oil out of the pipeline.

MR. EGAN: Yes.

MR. STEIN: Yes. All right, Mr. Egan

votes yes on that.

Now, what is the story on Stauffer Chemical and Calumet Steel? They are expected by July 1969. What--

MR. KLASSEN: And this is dependent upon the completion of the facilities now under construction at the Bloom Township Sanitary District plant where all of the industrial wastes will go at that time. At the present time all of the sanitary wastes are going. This will be completed by that time.

MR. STEIN: In other words, we have to wait for the completion of the public facilities so they can hook up?

MR. KLASSEN: Yes.

MR. STEIN: I don't know what we can do about that.

For the record, yes?

MR. KLASSEN: Yes.

MR. STEIN: Mr. Egan?

MR. EGAN: Yes.

MR. STEIN: Mr. Poston?

MR. POSTON: Yes.

MR. STEIN: Mr. Poole?

MR. POOLE: Yes.

MR. STEIN: All right.

Now, I do think that if we have some other industries in Illinois that are not in detail, Mr. Bowden and the staff will continue this and hopefully get reports on these industries so we can--with Dr. Stein, I hope, and Mr. Lavin so we can just check these off. I think our object now, and I really mean this, the name of the game, you see, is the smaller we can make the list the sooner we are going to solve the case and we will concentrate on the ones that are real problems, because there is no sense bringing these up over and over again if they are off the list. Let's concentrate this list as much as possible, and I have every belief that, unless something shows up that we don't know about, we shouldn't really get any significant additions.

We will take that up at the next six-month progress meeting.

MR. EGAN: Let me go back to the oil companies again. What action did we take there?

MR. STEIN: They are all in compliance.

MR. EGAN: You say they are in compliance.

Now, we have a court action against one or two of them. But what did we do here?

MR. STEIN: We did nothing.

MR. EGAN: Nothing?

MR. STEIN: Nothing at this session. Now, the point is, if any indication shows that they are not in compliance with the requirements of the Conference or that our requirements that we made them put in are not doing the job, and we have some indications from Mr. Vaughn about chemicals being in the water and coming from somewhere, we are going to do this. The reason I mentioned the oil companies is to indicate that as long as we do not get a substantial improvement in the quality of the water and we suspect chemicals, that we leave the door open, and with the investigation we still are going to analyze where this material is coming from and this is what that report is doing.

In other words, as far as we have done in the past, it is compliance. But we are serving notice that until we get the problem licked and all these taste- and odor-producing substances, among others, out of the waters of the lake, we won't consider this cleaned up. This is fair warning to anyone who may be dealing in those materials without pointing a finger at anyone.

Are we all set now?

Now, we would ask again that the technical group come up after their February meeting with their budget, the staffing, the kind of equipment they need so we can divide up responsibility and get them moving. I would make the recommendation that at the next progress meeting in six months that we have a report from this technical meeting indicating where we are up to that time.

We will have a reconvening, I would suggest, and progress meeting called at the call of the Chairman after consultation with the Conferees in six months.

MR. POSTON: I would hope, Mr. Chairman, that this Technical Committee come up with their report giving indications of problems before the six months, and this would be sent to you if this is possible.

MR. STEIN: I would hope so.

MR. POOLE: Mr. Chairman, I just want to get in my two cents' worth here.

MR. STEIN: Right.

Summary

MR. POOLE: I have got a stack, I just put them back in here, yesterday morning of reports that were two inches thick. I had been away from my office all day Monday and I had no chance to look at them until I got up here last night. But I think even if we delay a week or ten days on getting the Conferees together that we are entitled to a little more than twenty-four hours to digest these reports.

MR. STEIN: Well, I agree with you. You know, let me tell you what my view is--that we should get these reports out to the Conferees a month in advance.

MR. POOLE: That is right.

MR. STEIN: Mr. Poole, you know, you have at least known of me, what I have been doing, for a long time, and when we had a lot smaller organization we had a lot more power, we could do it. Now that we have over 2,000 people, and we have these local satraps running their regions,who are powers unto themselves, you might take this question up locally. (Laughter.)

MR. POOLE: I know you have got 1,900 out of 2,000 saying you can't do it in that time. I appreciate that.

MR. STEIN: Yes. But by the way, this is a criticism that I think we should take to heart. These are complicated reports and I think it behooves us to really make an effort to get these out to the Conferees in sufficient time so they can digest them and we can move forward much more rapidly on that basis.

Do we have any other comments or questions?

As you can tell, this is not ending. We have some real problems to meet yet, but I think we are on the track. As I pointed out before, more than ever I can see the light at the end of the tunnel. There is no question here but that every industry that has been inspected and been present wants to comply. The only issue is when they are going to comply, and the notion that we have, if we take the industry at their word of what they are going to do on the basis of reports, the maximum amount of slippage will be three years. And, of course, the Conferees would want to reduce that as much as possible, and we will make every effort to do that. I think from now on we are just going to have to have a careful surveillance and inspection system and deal with the people who aren't in compliance on a case-by-case basis in a sensible and judicious manner, and I am sure that will be done.

I want to again thank the Conferees for participating with us in this. And I hope you share this with me, I think we are making very significant progress in this case.

We stand adjourned.

(Whereupon, at 5 o'clock, the conference was adjourned.)

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